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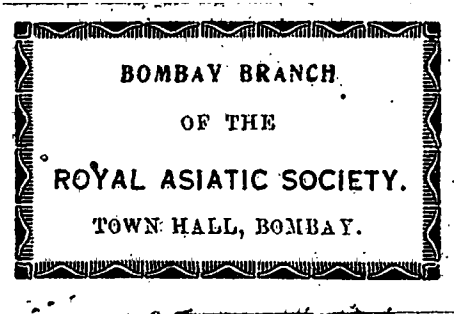

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THE

HISTORY

OF

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ENGLAND.

BOOK XXIV.

The Reign of King JAMES II. *from his Acceſſion to the Throne, to the Eſtabliſhment of King* WILLIAM *and Queen* MARY: *containing the Space of Four Years and Seven Days.*

27. JAMES II.

WITHIN a few hours after Charles had reſigned his laſt breath, his brother, the duke of York, was proclaimed King in London, by the name of JAMES II. Having ſeen how the government was ſettled for ſome years paſt, we muſt not think it ſtrange, there was no endeavours, either in London or any other part of the kingdom, to oppoſe the new king. Of the two parties in England, that againſt the bill of excluſion was triumphant, and the other entirely broken and oppreſſed. The acceſſion of James II. to the crown, was a freſh occaſion of triumph to the former, and notwithſtanding the fears expreſſed by the other party, about a Catholic ſucceſſor, they who had ſupported his intereſt, endeavoured to repreſent the late

1684-5. The duke of York is proclaimed king. Feb. 6. Gazettes, No. 2006. Echard.

James II. 1684-5. late change, as the greateſt of bleſſings to the Engliſh nation. The king, on his part, omitted nothing that lay in his power to confirm the good opinion his friends had of his virtue and ſincerity. As ſoon as the lords were returned to Whitehall from proclaiming the king, he aſſembled the privy-council, and made the following ſpeech:

The king's declaration to the Council. Gazettes No. 2006. Kennet. p. 420.

"My Lords,

"BEfore I enter upon any other buſineſs, I think fit to "ſay ſomething to you. Since it hath pleaſed Almighty "God to place me in this ſtation, and I am now to ſucceed "ſo good and gracious a king, as well as ſo very kind a bro-"ther, I think it fit to declare to you, that I will endeavour "to follow his example, and moſt eſpecially in that of his "great clemency and tenderneſs to his people. I have been "reported to be a man for arbitrary power; but that is not "the only ſtory has been made of me; and I ſhall make it "my endeavour to preſerve this government both in church "and ſtate, as it is now by law eſtabliſhed. I know the "principles of the church of England are for monarchy, and "the members of it have ſhewed themſelves good and loyal "ſubjects, therefore I ſhall always take care to defend and "ſupport it. I know too, that the laws of England are ſuf-"ficient to make the king as great a monarch as I can wiſh; "and as I ſhall never depart from the juſt rights and prero-"gative of the crown, ſo I ſhall never invade any man's pro-"perty. I have often heretofore ventured my life in defence "of this nation, and I ſhall ſtill go as far as any man in "preſerving it in all its juſt rights and liberties."

Every body is pleaſed with the ſpeech. Gazettes. Kennet. Burnet.

This ſpeech being addreſſed to a council wholly compoſed of perſons devoted to the king, was received with great applauſe. His majeſty was deſired that it might be printed, and diſperſed among the people, which was immediately done. Moreover, great care was taken to extol the king's extreme affection for his ſubjects; and, above all, his ſtrict obſervance of his word and faith was ſo induſtriouſly propagated, that ſome counting it impoſſible for the king to promiſe what he did not intend to perform, began to give him the name of JAMES THE JUST, as if to ſay and to do, were in him one and the ſame thing.

Echard. III. p. 729.

Every one retains his place. Gazettes No. 2006. Kennet. Burnet.

The next day, the king publiſhed a proclamation, declaring, that all perſons who at the late king's deceaſe were poſſeſſed of any office, ſhould be continued in the ſame, till the king's pleaſure was further known. He declared, moreover, that all orders and directions given by the late king's privy-

privy-council, ſhould be obeyed and performed, as if he were James II. ſtill alive. This is a clear evidence of the great influence 1684-5. that the king, when duke of York, had in the counſels of the king his brother. Upon his coming to the crown, he made no changes, either in the council, or in the chief places of truſt, a plain ſign that he looked upon the poſſeſſors as his creatures. And indeed, ſince his return from Scotland, he had properly governed the kingdom in his brother's name. This being known to all, might have ſhown with what intention he promiſed to preſerve the Proteſtant religion, and the rights of the ſubject, ſince no man could be ignorant, that he was the principal author of the plots in the late reign, againſt religion, and the liberties of the nation. But the Tories, who were then highly exalted, were willing to ſhut their eyes, and not ſee the danger the Proteſtant religion was in, under a king who was ſo zealous a Papiſt. The king's bare word was ſufficient to calm all their uneaſineſs on that account. As for arbitrary power, which began to be introduced in the late reign, far from being frighted at it, they rather conſidered it as an effectual means to keep their adverſaries, the Whigs, in ſubjection. Had they known or foreſeen to what height James was reſolved to carry his power, they would, doubtleſs, have had other thoughts. But they imagined, things would always remain as they were, that is, in a ſituation to them very advantagious.

The king makes no alterations.

The Tories conceive a great opinion of the king.

Moſt of the hiſtorians repreſent as ſurprizing, the king's going publickly to maſs two days after his acceſſion to the crown. But I cannot ſee any reaſon for this ſurprize. Since the year 1670, no man had been ignorant that the duke of York was a Catholic. On this account he had reſigned the office of lord high-admiral, and in the following years, the bill of excluſion, which cauſed three parliaments to be diſſolved, had ſufficiently taught the Engliſh this truth. Where then could the wonder be, to ſee him go to maſs, being king, ſince for the laſt fourteen years he had not concealed his religion, though he had run the riſque of forfeiting his right to the crown?

He goes publickly to maſs, Echard. III. p. 731. R. Coke. p. 326.

But what gave more juſt cauſe of ſurprize, was, his requiring by proclamation the ſame week, that the cuſtoms, and other duties which had been granted to the king his brother, only for life, ſhould be continued to be collected (a).

Cuſtoms and duties continued before they are granted. Feb. 16. Gazettes No. 2009.

(a) Another proclamation was put out for levying the additional exciſe, which had been given to the late king only for life. There was a clauſe in this act, that empowered the treaſury to make a farm of it for three years, without Welwood. Burnet. p. 621. R. Coke.

James II. 1684-5. This was a manifeſt invaſion of the nation's rights and liberties (b). He could not be ignorant, that an incroachment of the ſame nature had occaſioned a great conteſt between the king his father and the parliament, and that this conteſt produced the petition of right. And yet, he not only undertook the ſame thing, but uſed alſo the ſame reaſons with Charles I, which were ſo little ſatisfactory to the parliament. His proceedings were the more ſurprizing, as he affected to take by authority, what he knew would not be refuſed by the parliament, conſidering the preſent diſpoſition of the kingdom. Though his friends endeavoured to excuſe this conduct, it made impreſſion upon many of both parties, who had no good opinion of a reign which began in this manner. This gave occaſion to fear, that the new king's promiſes were not ſo firmly to be relied on, as was pretended.

He publiſhes that the late king was a Papiſt. Kennet. p. 423. Burnet. Echard. III. p. 731.

Another ſtep the king made at the ſame time, and, as it ſeems, without any neceſſity, was to cauſe it to be publiſhed, and atteſted by father Huddleſton a prieſt, that Charles II. died a Catholic, and that the ſame prieſt gave him the euchariſt and extreme unction. Huddleſton publiſhed withal a little treatiſe, called, "a ſhort and plain way to the faith and "church;" which treatiſe, the author affirms, made great impreſſions upon the mind of king Charles, in the year 1651, immediately after the battle of Worceſter, ſo that he declared, "he had not ſeen any thing more plain and clear "upon the ſubject; and the arguments drawn from ſucceſſion "were ſo concluſive, he did not conceive how they could be "denied." Moreover, at the ſame time, James ordered two papers to be publiſhed, found in the king his brother's ſtrong box, written with his own hand, both tending to prove the neceſſity of a viſible church and guide in matters of faith (c). To confirm that Charles II was really a Catholic, Mr. William Chaffinch, keeper of the king's cloſet, made no ſcruple to ſhow a little chapel annexed to the cloſet, where the king went ſecretly to maſs. It is hard to conceive, what great advantage it could be to James to divulge ſuch a ſecret, con-

Echard. p. 732.

without adding a limiting clauſe, in caſe it ſhould be ſo long due. And it was thought a great ſtretch of the clauſe, to make a fraudulent farm, by which it ſhould continue to be levied three years after it was determined, according to the letter and intent of the act. A farm was now brought out, as made during the king's life, though it was well known, that no ſuch farm had been made, for it was made after his death, but a falſe date put to it. Burnet, p. 622.

(b) It was an open violation of our fundamental conſtitution, by which no money can be levied on the ſubject, but by their conſent in parliament, as Dr. Welwood rightly obſerves, p. 138.

(c) The duke of Ormond, beſides the king's atteſtation, declared the papers to be king Charles's own hand.

ſidering

sidering the injury he did the late king's reputation, who had so frequently and solemnly affirmed in full parliament, that he was a good Protestant, and had positively promised to maintain the Protestant religion to the utmost of his power. As James thereby manifestly showed the insincerity of his brother, he should, it seems, have feared, it would be inferred, there was no more reason to confide in his own promises. James II. 1684-5.

The Funeral of Charles II was solemnized on the 14th of February at night. It may easily be judged, it was not very expensive, since eight days were sufficient for the preparations. It is observable, that Charles II had neglected after his restoration to solemnize his father's funeral, on pretence, that his body could not be found in Windsor chapel, the place where it was interred, as the lord Clarendon says in his history. But as it would have been easy to search the whole chapel, it is more likely, the reason of that neglect was the charges of a funeral, though Charles II had received for that purpose from the parliament the sum of seventy thousand pounds. For the same reason, probably, James caused his brother to be buried with little pomp, though Charles left him ninety thousand guineas in a box. The late king's funeral. Sandford. Gazettes. No. 2008. Burnet.

Two days after, the king ordered the privy-counsellors and great officers of the crown and household to be sworn, and at the same time filled the vacant places. The office of lord-treasurer, vacant since the year 1679, by the resignation of the Earl of Danby, was conferred on Lawrence Hyde, earl of Rochester, the king's brother-in-law; Henry earl of Clarendon, elder brother to the earl of Rochester, was made lord privy-seal; and George Savil, marquis of Halifax, president of the council (d). James fills the vacant places. Feb. 9. 16. Gazettes. Kennet. p. 421.

In the mean time, the counties, cities, boroughs, and universities, were employed in preparing congratulatory addresses to the king, upon his accession to the crown. These addresses, for the most part, took notice of the king's positive declaration to the privy-council, to maintain the church of England and the liberties of the nation. But there were two amongst others very remarkable. The first from the barristers Great number of addresses. Gazettes. That of the Middle-Temple. Ibid. No. 2015. Kennet. p. 420.

(d) The duke of Beaufort was made lord president of Wales; the lord Arlington lord high chamberlain; the duke of Ormond lord Steward of the household; the lord Godolphin lord chamberlain to the queen; the lord viscount Newport treasurer of the household; the lord Maynard comptroller; Henry Savil vice-chamberlain; Henry Bulkley master of the household; Sir Stephen Fox, Sir William Boreman, Sir Winston Churchill, and Sir Richard Mason, clerks and comptrollers of the green-cloth. Kennet, p. 421.

James II. 1684-5. and ſtudents of the Middle-Temple, wherein "with the deepeſt ſenſe of gratitude they acknowledged his Majeſty's great goodneſs, in extending his royal care of the government to the preſervation of the cuſtoms, which had been continually received by his royal predeceſſors for ſome hundreds of years, and never queſtioned by any parliament, unleſs in that wherein were ſown the ſeeds of rebellion againſt the king his father (e)." They concluded with ſaying, "May there never want millions as loyal as we are, to ſacrifice their lives and fortunes in defence of your ſacred perſon, and prerogative in its full extent:" And promiſed that they would endeavour the choice of ſuch repreſentatives for the enſuing parliament, as would not only concur in ſettling a revenue to ſupport the government as formerly, but alſo ſhow an entire confidence in his majeſty. The addreſs from the county of Suffolk had theſe words: "We are every day making ſteps towards your majeſty's grandeur, by our care for ſending fit repreſentatives to a parliament, that we hope will no more endure excluders than a late one did abhorrers." The Quakers alſo preſented an addreſs to the king, wherein they ſaid: "Whereas it hath pleaſed Almighty God (by whom kings reign) to take hence the late king Charles the ſecond, and to preſerve thee peaceably to ſucceed: we thy ſubjects heartily deſire, that the giver of all good and perfect gifts, may pleaſe to endue thee with wiſdom and mercy in the uſe of thy great power, to his glory, the king's honour, and the kingdom's good. And it being our ſincere reſolution, according to our peaceable principles and converſation (by the aſſiſtance of Almighty God) to live peaceably and honeſtly, as becomes true and faithful ſubjects, under the king's government, and a conſcientious people that truly fear and ſerve God: We do humbly hope, that the king's tenderneſs will appear and extend with his power to expreſs the ſame (f)."

Another from Suffolk Gazettes. Echard. III. p. 733.

That of the Quakers.

(e) The reaſon of thanking the king for ſeizing the cuſtoms, alledged by theſe gentlemen, was; "That thouſands would be ruined that had paid cuſtom in the late king's time, if the cuſtoms were not levied, and by an exceſſive exportation and importation cuſtom-free, that branch of the revenue would be rendered unprofitable for ſome years to come." Not conſidering that entries might be made and bonds taken, to be ſued when the act for granting them ſhould paſs.

(f) This is the true addreſs from Sewell's Hiſtory of the Quakers. Rapin has wrongly followed Echard, and given it as follows, "We are come to teſtify our ſorrow for the death of our good friend Charles, and our joy for thy being made our governor. We are told thou art not of the perſuaſion of the church of England no more than we; therefore we hope thou wilt grant us the ſame liberty which thou alloweſt thyſelf."

The

The king's and queen's coronation was celebrated the 23d of April, St. George's-day, patron of the order of the Garter. Though such a ceremony cannot be solemnized without pomp, it was observed, the king retrenched several things which caused a needless expence, as for instance, the cavalcade from the Tower to Westminster, which was wont to be performed the day before the coronation, saving thereby a charge of sixty thousand pounds. But if some authors are to be credited, the most considerable retrenching was in the words of the coronation oath, out of which, they pretend, several material things were struck, without specifying the particulars. Others maintain, it is an aspersion on archbishop Sancroft, who is supposed, without foundation, to have consented to the abridging of the oath. As I have seen no proof on either side, I forbear to decide. Thus much is certain, the crown not being fit for the king's head, was often in a tottering condition, and like to fall off. Mr. Henry Sidney supporting it once with his hand, pleasantly told the king, "This is not the first time our family hath supported the "crown" (g). The people reckoned this an ill omen to the king, as well as another thing which happened the same day. In one of the churches in London, the king's arms, painted in a glass window, suddenly fell down and broke in pieces, while the rest of the window was standing, without a possibility of discovering why that part should fall sooner than the rest (h).

1685. The king and queen crowned. Gazettes No. 2028. Kennet. Burnet. p. 628. Echard. III. p. 734. Echard. Ibid.

The same day that the king was crowned at London, the Parliament of Scotland met at Edinburgh, William Douglass, duke of Queensbury, being lord high-commissioner. This lord was entirely in the king's party, but not in such a manner as to pretend to sacrifice to him the Protestant religion and his country's liberties. Before he left London in order for Scot-

Proceedings of the parliament of Scotland. Gazettes No. 2031. Burnet. p. 635. Echard. III. p. 735. &c. Boyer.

(g) Mr. Sidney, who was afterwards earl of Rumney in king William's reign, was one of the principal instruments in the downfal of king James, and one of the first that went and joined the prince of Orange. Rapin.

(h) The crown was not well fitted to the king's head: it came down too far, and covered the upper part of his face. The canopy carried over him did also break. But to take such things for omens is ridiculous. Turner preached the coronation-sermon, in which he set forth that part of Constantius Chlorus's history, wherein he tried who would be truest to their religion, and reckoned that those would be faithfullest to himself who were truest to their God. The king and queen resolved to have all done in the Protestant form, and to assist in all the prayers: only the king would not receive the sacrament. In this certainly his priests dispensed with him, and he had such senses given him of the oath, that he either took it as a sin with a resolution not to keep it, or he had a reserved meaning in his own mind. Burnet, p. 628.

land,

James II. 1685. land, he told the king plainly, he could not engage to serve him in any thing but what ſhould be agreeable to the laws; whereupon the king proteſted to him, he had no intention to make any breach either in the eſtabliſhed religion or the laws.

Gazettes. Ibid. The king's letter to the Scotch parliament ran, "That the "many experiences he had of the loyalty and exemplary forwardneſs of that ancient kingdom, by their repreſentatives "aſſembled in parliament in the reign of his brother, made "him deſirous to call them together in the beginning of his "reign, to give them an opportunity not only of ſhewing "their duty, but alſo to be exemplary to others in their demonſtrations of their affection to his perſon, and compliance with his deſires. That which he had to propoſe to "them at this time, was what was as neceſſary for their "ſafety as his ſervice, and had a greater tendency to ſecure "their own privileges and properties, than the aggrandizing "his power, which, however, he was reſolved to maintain "in its greateſt luſtre, that he might be the more enabled to "defend and protect their religion as eſtabliſhed by law, and "their rights and properties, againſt phanatical (i) contrivances, murderers, aſſaſſins (k), which had brought "them into ſuch difficulties, as only the ſteady reſolutions "of his brother and thoſe employed by him, could have "ſaved them from the moſt horrid confuſions and inevitable "ruin. That nothing had been left unattempted by thoſe "inhuman traitors, to overturn their peace; and therefore "he hoped they would be wanting in nothing to ſecure themſelves and him."

The lord commiſſioner's ſpeech. Gazettes No. 2031. The High-commiſſioner ſeconded the king's letter with a ſpeech, wherein he gave them aſſurance of his majeſty's reſolution to protect and maintain the religion and government of their church as by law eſtabliſhed (l); and alſo the ſubjects rights and properties, in ſuch manner, that no perſon ſhould be injured by any arbitrary oppreſſions of ſoldiers or others; and he would condeſcend as much in the buſineſs of the exciſe and militia as could be juſtly expected. And, on the other ſide, his majeſty expected from them, to aſſert the rights and prerogatives of the crown, and to eſtabliſh the revenue as amply upon him and his ſucceſſors, as it was en-

(i) The rigid Covenanters and Preſbyterians were called Fanatics by the court. Rapin.

(k) Among theſe were the perſons that murdered the archbiſhop of St. Andrews. Id.

(l) The ſame as in England, none other being then tolerated in Scotland. Id.

joyed

joyed by the king his brother. In the laſt place, the lord-commiſſioner deſired in very pathetic terms, that effectual means might be found to deſtroy the phanatical party, who were wretches of ſuch monſtrous principles and practices, as paſt ages never heard, nor thoſe to come will hardly believe. James II. 1685.

Theſe phanatical murderers and aſſaſſins could be no other than the Preſbyterians of Scotland, who were properly the body of the nation, to whom was imputed the murder of the archbiſhop of St. Andrew's, as if it had been committed by the determination of the whole Preſbyterian party.

James Drummond, earl of Perth, lord chancellor, made a ſpeech likewiſe, in which he enlarged on the king's great virtues. I do not know whether he was yet a Papiſt, but at leaſt, preſently after, he embraced the Catholic religion, and by that infallible means ſupplanted the duke of Queenſbury. Gazette. Ibid.

The parliament returned a very humble and ſubmiſſive anſwer to the king, promiſing to do whatever he deſired. To perform which promiſe they forthwith paſſed the three following acts. Ibid.

By the firſt act were ratified all ſtatutes paſſed in the late reign for the ſecurity of religion as at preſent profeſſed within the kingdom. No. 2032.

By the ſecond, they annexed the exciſe of foreign and inland commodities to the crown of Scotland for ever.

By the third, they ordained, that all ſuch perſons, as being cited in caſe of high-treaſon, field or houſe conventicles, or church irregularities, ſhould refuſe to give teſtimony, ſhould be liable to be puniſhed as guilty of thoſe crimes reſpectively, in which they refuſed to be witneſſes.

Before the meeting of the parliament of England, which was called the 19th of May, three perſons, odious to the king, the Papiſts, and the prevailing party, were brought to their trials. The firſt was the famous Titus Oates, diſcoverer of the Popiſh plot, and one of the witneſſes againſt the condemned Jeſuits. He was accuſed of perjury on two points of his evidence, namely, for affirming upon oath, that he was preſent at the grand conſult held at London the 24th of April 1678, where, as he pretended, the reſolution of killing the king was taken. Secondly, for ſaying, that father Ireland, an executed Jeſuit, was at London ſuch a day. To convict him of theſe two real or pretended crimes, he was brought before chief-juſtice Jefferies at the King's-Bench bar, the 8th and 9th of May 1685. As I have amply ſpoken of this matter in the reign of Charles II, I ſhall not repeat here what Trial of Titus Oates. State-trials. IV. p. 1. Burnet. p. 637. Kennet. p. 437. Echard. R. Coke.

James II. 1685. what has been already ſaid, but confine myſelf to ſhow the partiality wherewith Oates was tried and condemned.

State-Trials. IV. p. 6. In the firſt place, immediately after the indictment was read, and before any witneſs was heard, the attorney-general, Sir Robert Sawyer, made a ſpeech, declaring, "Oates was "one of the greateſt impoſtors that ever did appear upon the "ſtage, either in this kingdom or any other nation." It muſt be obſerved, this attorney-general had been one of the counſel for the king in 1678, to ſupport and improve Oates's evidence.

2. Twenty witneſſes from St. Omer's were produced, who ſwore, that Oates was at that place the 24th of April 1678, at the very time that he ſaid he was preſent at the grand conſult. It is obſervable, that theſe very witneſſes had depoſed the ſame thing in 1678, and that the jury had not regarded their evidence. But in 1685 there was not the leaſt reaſon to reject their depoſitions.

p. 26, &c. 3. Oates deſired it might be obſerved, that the king's counſel who were now againſt him, had been for him in the trials of the five Jeſuits, and particularly the attorney and ſollicitor-general: that lord chief-juſtice Jefferies, before whom his cauſe was pleading, was among the king's counſel in 1678, and did then expreſsly declare, "That the verdict againſt the
p. 29. "five Jeſuits was a juſt verdict." As he laid great ſtreſs upon the verdicts given upon his depoſitions, he was told, that theſe verdicts had been diſbelieved ſeveral times, as well as believed. Moreover, the records of the trials of Sir George Wakeman and the earl of Caſtlemain were produced, who being accuſed of the pretended plot, had been acquitted, and depoſed upon oath, that Oates had not ſaid one word of truth.

p. 30. 4. Oates demanded, "Whether a Papiſt in caſe of reli-"gion might be be believed?" It was replied, "He might." And as if the queſtion had been impertinent and foreign to the purpoſe, juſtice Withens aſked him, "Whether he was "come there to preach?"

Ibid. 5. Oates urged the lord Coke's practice, who would not allow of a Popiſh recuſant for a witneſs, even between party and party. To which it was anſwered in general, that this practice was contrary to law.

p. 51. 6. He ſaid, that the witneſſes againſt him were brought up in a ſeminary, againſt law. Jefferies replied, ſo was a Diſſenter.

Ibid. 7. He inſiſted upon the ſtatute of the 27th year of Elizabeth againſt ſeminary prieſts and Jeſuits. Whereupon Jefferies aſked

aſked him, whether the witneſſes owned themſelves to be prieſts and Jeſuits? James II. 1685.

8. He pleaded the ſtatute of the third of Charles I, to which Jefferies anſwered, It was nothing to the purpoſe. Ibid.

9. Laſtly, He repreſented, that the lord Shaftſbury, upon his trial, moving that he might have liberty to bring an indictment of perjury againſt the witneſſes that accuſed him, the court over-ruled the motion, and would not ſuffer the king's evidence to be indicted of perjury, nor the Popiſh plot called in queſtion. He inferred from thence, that having been himſelf evidence for the king, he could not for that reaſon be indicted of perjury. Jefferies told him, all this was nothing to the purpoſe. Then ſumming up the evidence, he concluded with theſe words: "There does not remain the "leaſt doubt, but that Oates is the blackeſt and moſt perjured "villain that ever appeared upon the face of the earth." P. 42.

The jury withdrawing about a quarter of an hour brought him in guilty of the perjury he was accuſed of. Ibid. p. 66.

The next day, he was tried upon the ſecond indictment of perjury, concerning father Ireland. Above forty witneſſes were produced againſt him, nine of whom were Proteſtants, who ſwore, that Ireland was in Staffordſhire when Oates ſaid he was in London (m), and he was alſo found guilty of this indictment. What is moſt ſtrange, ſome pretend, there is not the leaſt appearance of injuſtice or partiality in the verdict againſt Oates, but on the contrary, the partiality is evident in the verdict againſt the five Jeſuits. I leave it to the unbiaſſed reader to compare them and judge. But at leaſt it cannot be denied, there was a great deal of paſſion in the ſentence againſt Oates, and much more in the execution of the ſame. The ſentence was as follows. May 16. p. 104.

1. That he ſhould pay for a fine one thouſand marks upon each indictment.

2. That he ſhould be ſtript of all his canonical habits.

3. That he ſhould ſtand in the pillory before Weſtminſter-Hall gate upon Monday next, for an hour's time, with a paper over his head (which he muſt firſt walk with round about to all the courts in Weſtminſter-Hall) declaring his crime; and that upon the firſt indictment.

4. That for the ſecond indictment, he ſhould, upon Tueſday, ſtand in the pillory at the Royal Exchange in London, for an hour, with the ſame inſcription.

(m) It undeniably appeared, from the books of one Hinton, a Goldſmith in Lombard-ſtreet, that Ireland was in London at that time. See R. Coke, P. 350.

5. On

James II. 1685. 5. On Wedneſday he ſhould be whipt from Aldgate to Newgate.

6. On Friday he ſhould be whipt from Newgate to Tyburn.

7. And for annual commemorations, upon every 24th of April, as long as he ſhould live, he was to ſtand in the pillory at Tyburn, juſt oppoſite to the gallows, for an hour.

8. That, upon every 9th of Auguſt, he was to ſtand in the pillory at Weſtminſter-Hall gate, becauſe he had ſworn that Ireland was in town between the 8th and 12th of Auguſt. The like on every 10th of Auguſt at Charing-croſs and over-againſt the Temple-gate every 11th of Auguſt. And upon every 2d of September he was to do the ſame at the Royal-Exchange. All this he was to do every year during his life, and be committed a cloſe priſoner as long as he lived.

After pronouncing this ſentence, Jefferies added, that if it had been in his power, Oates ſhould have been condemned to die.

It muſt be obſerved, that ſtanding in the pillory, which in other countries only expoſes to ſhame, is in England ſomething more; for it is permitted to pelt thoſe that ſtand there, with dirt, and all ſorts of naſtineſs, and it often happens that the mob abuſe this liberty, and throw rotten eggs and even ſtones at the priſoner.

But what was thought moſt barbarous in this ſentence, was the ordering a man to be whipt twice in three days. Some charitable perſons uſed their endeavours to beg off part of this wretched man's puniſhment, and made application to the queen, intreating her to intercede for him, at leaſt with regard to the ſecond ſcourging. But all interceſſion was in vain. The ſentence was executed with all imaginable rigour and barbarity. The firſt day he was tied to a cart, and as the hangman no doubt was commanded not to ſpare him, he executed the order with ſuch cruelty, as was unknown to the Engliſh nation. Oates ſwooned away ſeveral times the firſt day, with the extremity of the anguiſh. We may judge what he endured the ſecond day, when his wounds were yet freſh. In a word, his ſuſtaining ſuch great torments, and eſcaping with life, was looked upon as ſomething miraculous. Every one was ſenſible that both in the ſentence and in the execution revenge had a greater ſhare than juſtice, and that he was made a ſacrifice to the manes of the five Jeſuits executed in the late reign.

Echard. III. p. 741.

Trial of Dangerfield. Burnet.

The next victim to the Catholics, not long after Oates, was Thomas Dangerfield, who diſcovered the pretended meal-tub-

tub-plot, which he had laid to the charge of the Proteſtants. James II.
But afterwards, not being able to maintain before the council 1685.
what he had depoſed, he confeſſed, he was perſuaded to in-
vent it by the counteſs of Powis, and the Popiſh lords in the Tower. Moreover, he had publiſhed a narrative of all the ſecret practices uſed as well to corrupt him, as to render the plot probable. As he owned, he had received money from the late king and the duke of York, the laſt would never ſuffer ſuch an offence to go unpuniſhed, when he came to be king. Dangerfield therefore was committed to priſon, and indicted for publiſhing a ſcandalous libel. He was tried and brought in guilty by the jury, after which he received judgment at the King's-Bench bar, "That he ſhould ſtand twice "in the pillory; that he ſhould be whipt from Aldgate to "Newgate on one day, and from Newgate to Tyburn on "another, and ſhould pay a fine of five hundred pounds." The ſcourging was executed with rigour, though with leſs cruelty than on Oates. The ſecond day, Dangerfield, after the whipping was over, being in a coach againſt Hatton-Garden, Robert Frances, a barriſter of Grey's-Inn, came to the coach-ſide, and uſing ſome inſulting expreſſions, Dangerfield returned a reproachful anſwer (n). Frances having a ſmall cane in his hand, thruſt it into his eye with all his force, which in two hours put an end to his life. Frances was condemned to be hanged, and was executed accordingly, the king, though ſtrongly ſollicited for a pardon, not thinking proper to leave ſuch a crime unpuniſhed (o).

P. 537. Kennet. p. 438. Echard.

He is condemned to be whipped.

He is killed.

Richard Baxter, a Preſbyterian miniſter, famous for his voluminous writings during the troubles, in favour of his religion againſt the church of England, was the third inſtance of the mildneſs of the new government. As he could not be proceeded againſt for his books publiſhed during the troubles, by reaſon of the act of indemnity, occaſion was taken to proſecute him for a late book, intitled, A Paraphraſe on the New Teſtament; wherein it was pretended, there were ſeveral ſeditious paſſages, and highly reflecting on the biſhops. Baxter being brought before Jefferies at the King's-Bench bar, and moving, that farther time might be allowed him for his trial, Jefferies, with his uſual moderation,

Baxter's Trial. May 30. Kennet. p. 443. Echard. III. p. 743.

May 18.

(n) Frances ſaid to him, "How "now, friend, have you had your "heat this morning?" Upon which the other, with two or three curſes, called him "Son of a whore." Echard, Tom. III. p. 742.

(o) Some ſay, that Frances was a virulent Papiſt; and others, that he was a Proteſtant: but others obſerve, that he was only inſtructed to die in the profeſſion of being of the church of England, as by law eſtabliſhed. Kennet, p. 438. Echard, Tom. III. p. 742.

cried

James II. 1685. cried out, "I will not give him a minute's time more to save "his life: we have had to do with other ſort of perſons, but "now we have a ſaint to deal with; and I know how to "deal with ſaints as well as ſinners. Yonder (ſays he) ſtands "Oates in the pillory, and ſays, he ſuffers for the truth, "and ſo ſays Baxter; but if Baxter did but ſtand on the "other ſide of the pillory with him, I would ſay there ſtood "two of the greateſt rogues and raſcals in the kingdom." In this manner did the judge prepare the jury, before any evidence was heard. It would be needleſs to inſert the particulars of the charge, and Baxter's defence. The point was only to know, whether certain paſſages of his late book could be applied to the prelates of the church of England, or ſolely to thoſe of the church of Rome. Baxter's counſel (p) urged, that without a forced conſtruction, none of the paſſages could be applied to the biſhops of the church of England. The whole proceſs turned upon this point. But it will not be improper to ſhow the paſſion and partiality of Jefferies in this, as in all other affairs. Baxter alledged in his defence, "That "he had been ſo moderate with reſpect to the church of "England, and had ſpoken ſo honourably of the biſhops, "that he had incurred the cenſure of many of the Diſſenters "upon that account." Jefferies, laying aſide on this occaſion the office of a judge to turn evidence, affirmed, "That "Baxter was an enemy to the name and thing, the office "and perſons of biſhops;" and ſeverely reprimanded the counſel, probably for defending their cauſe too well. Then, ſpeaking to Baxter, he ſaid, "Richard, thou art an old fel-"low, an old knave; thou haſt written books enough to load "a cart, every one as full as ſedition, I might ſay treaſon, "as an egg is full of meat. Hadſt thou been whipped out of "thy writing trade forty years ago, it had been happy. Thou "pretendeſt to be a preacher of the goſpel of peace, and "thou haſt one foot in the grave; it is time for thee to begin "to think what account thou intendeſt to give. But leave "thee to thyſelf, and I ſee thou'lt go on as thou haſt begun; "but by the grace of God I will look after thee, I know "thou haſt a mighty party, and I ſee a great many of the

(p) Baxter's counſel were Wallop, Williams, Rotherham, Atwood, and Phipps, all retained by Sir Henry Aſhurſt, who had a particular reſpect for Baxter. It may be noted of Baxter, that ſoon after the reſtoration he refuſed the biſhopric of Hereford, and when turned out of his living with the reſt, ſent back a penſion of a hundred pounds a year offered him by the king. He frequently attended divine ſervice in the church of England, went to the ſacrament, and perſuaded others to do the ſame. Echard, Tom. III. p. 743.

brother-

" brotherhood in corners, waiting to see what will become of James II.
" their mighty Don; and a doctor of the party [Dr. Bates] 1685.
" at your elbow; but by the grace of Almighty God I will
" crush you all."

The chief justice in summing up the evidence said; " It is " notoriously known, that there has been a design to ruin " the king and the Nation; and this has been the main in- " cendiary: he is as modest now as can be; but time was, " when no man was so ready at 'Bind your kings in chains, " and your nobles in fetters of iron; and to your tents, O " Israel!' Gentlemen, for God's sake do not let us be gulled " twice in an age."

It manifestly appears from these last words of Jefferies, that Baxter's book was only a pretence to punish him for what he had done during the troubles. However that be, such was the impartial manner in which this judge directed the jury. There is scarce a man who will deny, that, as well during this reign, as in the latter part of the former, all the juries were packed, and had engaged beforehand to be guided by the court. In conclusion, Baxter being found guilty, judgment was given against him, to be fined five hundred marks; to lie in prison till he paid it, and to be bound to his good behaviour for seven years.

The parliament met the 19th of May. But the king was pleased that the commons should first choose their speaker, before he made his speech to both houses. The choice fell upon Sir John Trevor, who was recommended by the Lord Middleton, one of the secretaries of state; after which, the king came to the parliament the 22d of May, and made the following speech to both houses. As he had that morning received advice of the earl of Argyle's arrival in Scotland, it gave him occasion to add something to his speech.

The parliament meets. Kennet. p. 424. Echard. III. p. 745. Burnet.

" My lords and gentlemen,

The king's speech to both houses. Gazettes, No. 2036.

" AFter it pleased Almighty God, to take to his mercy " the late king my dearest brother, and to bring me to " the peaceable possession of the throne of my ancestors, I imme- " diately resolved to call a parliament, as the best means to settle " every thing upon those foundations, as may make my reign " both easy and happy to you: towards which, I am disposed to " contribute all that is fit for me to do. What I said to my " privy-council, at my first coming there, I am desirous to re- " new to you; wherein I fully declared my opinion concern- " ing the principles of the church of England, whose mem- " bers have shewed themselves so eminently loyal in the worst

James II. 1685. "of times, in defence of my father, and support of my brother, of bleſſed memory, 'that I will always take care to "defend and ſupport it: I will make it my endeavour to pre"ſerve this government both in church and ſtate, as it now is "by law eſtabliſhed; and as I will never depart from the juſt "rights and prerogative of the crown, ſo I will never invade "any man's property:' and you may be ſure, that having "heretofore ventured my life in the defence of this nation, I "will ſtill go as far as any man in preſerving it in all its juſt "rights and liberties.

"And having given you this aſſurance concerning the care "I will have of your religion and property, which I have "choſen to do in the ſame words I uſed at my firſt coming "to the crown, the better to evidence to you, that I ſpoke "them not by chance, and, conſequently, that you may the "more firmly rely upon a promiſe ſo ſolemnly made; I can"not doubt, that I ſhall fail of ſuitable returns from you, "with all imaginable duty and kindneſs on your part; and "particularly, in what relates to the ſettling of my revenue, "and continuing it during my life, as it was in the time of "the king my brother. I might uſe many arguments to en"force this demand, from the benefit of trade, the ſupport "of the navy, the neceſſity of the crown, and the well-be"ing of the government itſelf; which I muſt not ſuffer to "be precarious: but I am confident, your own conſidera"tion of what is juſt and reaſonable, will ſuggeſt to you "whatſoever might be enlarged upon this occaſion. There "is one popular argument, which I foreſee may be uſed "againſt what I aſk of you, from the inclination men may "have for frequent parliaments, which ſome may think will "be the beſt ſecured, by feeding me from time to time, by "ſuch proportions as they ſhall think convenient: and this "argument, it being the firſt time I ſpeak to you from the "throne, I will anſwer once for all, that this would be a "very improper method to take with me, and that the beſt "way to engage me to meet you often, is always to uſe me "well (a). I expect therefore that you will comply with "me in what I have deſired, and that you will do it ſpeedily, "that this may be a ſhort ſeſſion, and that we may meet "again to all our ſatisfactions."

(a) The king's aim, in this latter part of his ſpeech, was to prevent a motion, which was talked of abroad, though none ventured to make it in the houſe. "That it was ſafeſt to "grant the revenue only for a term of "years. Burnet, p. 638.

"M

James II. 1685.

"My lords and gentlemen,

"I muſt acquaint you, that I have had news this morning "from Scotland, that Argyle is landed in the Weſt-High-"lands, with the men he brought with him from Holland; "and that there are two declarations publiſhed, one in the "name of all thoſe in arms there, the other in his own; it "would be too long for me to repeat the ſubſtance of them, "it is ſufficient to tell you, I am charged with uſurpation "and tyranny: the ſhorter of them I have directed to be "forthwith communicated to you. I will take the beſt care "I can, that this declaration of their own treaſon and rebel-"lion may meet with the reward it deſerves: and I will not "doubt, but that you will be the more zealous to ſupport "the government, and give me my revenue as I have deſired "it, without delay."

Remarks on the ſpeech.

I ſhall make upon this ſpeech, three remarks, the importance whereof will hereafter appear. The firſt is, that when the king renewed to his parliament the promiſe he had made to the council, to preſerve the government both in church and ſtate, as it was by law eſtabliſhed; nothing was farther from his thoughts than the performance of it. This will very clearly appear in the ſequel. Wherefore this promiſe was only a lure uſed by the king to engage the parliament to enable him to proceed without them. This happened accordingly; for this parliament, which had but two ſhort ſeſſions, was the only one the king called in his reign.

The ſecond remark is, that when the king ſaid, he would not ſuffer the government to be precarious, (that is, to depend upon the ſupplies the parliament ſhould grant him from time to time) he plainly intimated, he meant to govern in a different manner from his predeceſſors, ſince among all the kings of England, there was never any whoſe government was not ſupported by the aids of the parliaments.

The third is, that the objection which he foreſaw would be made to his deſire concerning his revenue, was ſo ſtrong, that he could find no other reaſon to anſwer it, than a menace, which ought rather to induce the parliament to guard againſt it. For if the king, in caſe of refuſal, thought himſelf powerful enough to make the parliament repent, how much greater reaſon was there to fear, if he ſhould be enabled to proceed without the parliament, and to execute his threat.

Various opinions of the preſent parliament.

This parliament, according to ſome hiſtorians, was better compoſed than any for many years paſt. All the members were rich, zealous for their country, good churchmen, averſe

James II. 1685. to all republican or anti-monarchical principles, faithful to the king, and of ſo wonderful harmony among themſelves, that the like had never been ſeen. The meaning of all which in ſhort is, that they were Tories without any mixture of Republicans, Preſbyterians, or Whigs. This parliament conſiſted indeed of perſons prepoſſeſſed in favour of the king, who imagining that, according to his promiſes, he would never meddle with the laws or religion, believed it a ſignal ſervice to the kingdom, to enable the king to oppoſe effectually the attempts of the Whigs. They were miſtaken in their ſuppoſition: but it cannot be inferred from their conduct, that they intended to betray the nation's intereſts, as they plainly ſhowed afterwards.

Echard. III. p. 744.

Other hiſtorians do not give the ſame idea of this parliament. They pretend, the members for the moſt part, being elected by the intrigues of the court, were Tories, and moſt violent for the doctrine of paſſive-obedience, and for that reaſon ſurrendered the liberties of the people, and paved the way for the king to become abſolute, by granting him ſuch a revenue as enabled him to govern without a parliament (b).

Burnet, p. 625. R. Coke. p. 338.

Though theſe two aſſertions with reſpect to this parliament, ſeem to be oppoſite, it is, however, eaſy to reconcile them, on ſuppoſition of a thing which is very true, namely, the parliament was deceived by the king's promiſes, So, the only difference between theſe two opinions, is, that the Whigs accuſe the Tories of betraying the intereſt of their country with premeditated deſign, and the Tories, without denying that they acted indeed againſt the intereſts of the kingdom, maintain that they did ſo through a too great confidence in the king's word, given from the throne in the moſt ſolemn manner. It will hereafter be ſeen, that the parliament had no ſuch intention, as is imputed to them: but I cannot ſay their imprudence may be ſo eaſily vindicated.

(b) Burnet ſays of this Parliament, that all arts were uſed to manage elections, ſo that the king ſhould have a parliament to his mind. Complaints came up from all parts of England, of the injuſtice and violence uſed in elections beyond what had ever been practiſed in former times. In the new charters that had been granted, the election of the members was taken out of the hands of the inhabitants, and reſtored to the corporation-men, all thoſe being left out, who were not acceptable at court. In ſome boroughs they could not find a number of men to be depended upon: ſo the neighbouring gentlemen were made corporation-men: and in ſome places, perſons of other counties, not ſo much as known in the borough, were named. This was practiſed in the moſt avowed manner in Cornwal by the earl of Bath, who put the officers of the guards name in almoſt all the charters of that county, ſo that the king was ſure of forty four votes on all occaſions. There were not above forty but what were thus choſen. Burnet, p. 625.

How-

However this be, both houſes, pleaſed with the king's ſpeech, waited on him the ſame day with an addreſs of thanks; to which the king anſwered, "That he was very well "pleaſed with their thanks, and could repeat no more than "what he had ſaid in the morning, and they ſhould find "that he would be as good as his word." James II. 1685.

Both houſes thank the king. His anſwer. Gazettes. Echard. III. p. 747.

This confirmation was ſo agreeable to the commons, that when they returned to their houſe, they voted immediately, nemine contradicente, "That all the revenue enjoyed by the "late king at his death, ſhould be granted to his preſent "majeſty, and ſettled upon him during life." Thus the conſtant and ordinary revenue of the late king, which, according to the intent of the firſt parliament, held in his reign, was to be twelve hundred thouſand pounds ſterling, but which amounted to above double that ſum; this revenue, I ſay, which two parliaments had ſpent about two years in ſettling, was granted to James II in the ſpace of two hours. They who ſpeak moſt moderately of this revenue, compute it at more than two millions. But a hiſtorian (c) pretends, that including the one hundred and fifty thouſand pounds, enjoyed by the king while duke of York, and annexed to the crown, the whole amounted to above two millions five hundred and fifty thouſand pounds. This liberality was not founded upon the ſervices the king when duke of York had done the nation, but ſolely upon his promiſes to ſupport the government of the church and ſtate. But, through extreme prejudice, the parliament was not aware, that by granting the king for life ſuch an immenſe revenue, they enabled him to maintain an army and fleet without the aſſiſtance of parliament, and conſequently to ſubdue thoſe that ſhould dare to oppoſe his will, as he did accordingly.

Vote for granting the ſame revenue as Charles II. enjoyed.

R. Coke. P. 337.

The commons having given the king ſo real a demonſtration of their zeal and affection, the lords were willing likewiſe to ſhow him how much they were devoted to him in whatever lay in their power. To that end, the king having ſent a noli proſequi upon the indictments againſt the Popiſh lords, who had been priſoners in the tower for the plot, and againſt the earl of Danby, the houſe of peers annulled their order of the 19th of March 1678-9, and entirely diſcharged thoſe lords who had been releaſed only upon bail.

The popiſh lords are diſcharged, togetherwith the earl of Danby. Echard. III. p. 747.

(c) Roger Coke; who ſays that the cuſtoms, and other branches of the revenue, amounted to two millions and four hundred thouſand pounds, beſides the hundred and fifty thouſand pounds. Tom. II. p. 337.

James II. 1685. Bill in the house of Lords to reverse the lord Stafford's attainder. Kennet, p. 441. Echard. III. p. 748.

These proceedings in favour of the Popish lords, made way for a bill to reverse the attainder of the lord viscount Stafford in 1680. The sole reason alledged in the bill for the reversal was in these words: "Whereas it is now manifest, that the said William late viscount Stafford was innocent of the treason laid to his charge, and the testimony whereupon he was found guilty was false. Be it enacted, &c." Thus, the preparers of the bill founded the lord Stafford's innocence upon Oates's being condemned for perjury, though in Oates's trial there was not a word of his testimony against Stafford. Nevertheless, the bill was passed by a majority of voices. But such of the lords (d) as opposed it, entered their dissents for the following reasons:

1. Because the assertion in the bill of its "being now manifest, that the late viscount Stafford died innocent, and "that the testimony by which he was convicted was false," which are the sole grounds and reasons given to support the bill, are destitute of all proof, warrant, or testimony, or matter of record before us,

2. That the record of the King's-Bench, read at the committee, concerning the conviction, last term, of one of the witnesses for perjury, in collateral points of proofs, of no affinity to the lord Stafford's trial, and given several years before, it is conceived, can be no ground to invalidate the testimony upon which the said Viscount was convicted, which could never legally be by one witness, and was in fact by the judgment of his peers, on the evidence of at least three.

3. It is conceived, the said judgment in the King's-Bench was unprecedented, illegal, and highly derogatory to the honour, judicature, and authority of this court, who have power to question and punish perjuries of witnesses before them, and ought not to be imposed upon by the judgments of inferior courts, or their attainder of a peer invalidated by implication; and the Popish plot, so condemned, pursued, and punished by his late majesty and four parliaments, after public solemn devotion through the whole kingdom, by authority of church and state, to be eluded to the arraignment and scandal of the government; and only for restoring the family of one Popish lord. And all this being without any matter judicially appearing before us to introduce the same; and the

(d) The earls of Anglesey, Radnor, Stamford, Clare; and the lord Eure. Kennet, P. 441, 442.

records

records of the trial not suffered to be read, for the information of the truth, before the passing of the bill. James II. 1685.

4. For many other weighty reasons, offered and given by divers peers in the two days debate of this bill, both at the committee and in the house.

These reasons plainly show, in my opinion, that the lords, in passing this bill, designed rather to oblige the king than do justice to the memory of the lord Stafford. But the commons had not the same complaisance, since it was dropt after the second reading, and never heard of more, they having no intention to strengthen or encourage the Popish party (e). Kennet. P. 442.

The parliament of Scotland was still extremely zealous for the king's interest. Besides the acts before-mentioned, they passed one for granting the king during life the yearly sum of two hundred and sixty thousand pounds; and another, declaring, That the giving or taking the national covenant, or the solemn league and covenant, or owning them as lawful or obligatory, should incur the crime of high-treason. Act of parliament in Scotland. Kennet. p. 416. Echard. III. p. 749.

Since the earl of Argyle's escape after his condemnation in 1681, he had kept himself concealed at Amsterdam, very few persons in Scotland knowing where he was. He waited there for a favourable opportunity either to make his peace with the king, or to raise in Scotland, where he thought he had many friends, an insurrection, which should put him again in possession of his estate. He believed a fair occasion offered for an insurrection after the death of Charles II, knowing that the duke of York, who was to succeed, was beloved neither in Scotland nor England. For though, in both kingdoms, the government, and all the public offices, were in the hands of the Tories, the earl of Argyle imagined, that if by his credit he could raise an army in Scotland, all the Presbyterians would list under his banner, and then his party would be much superior to the king's. Projects of the earl of Argyle and the duke of Monmouth. Ibid. Burnet, p. 629.

Whilst he was full of these thoughts, the prince of Orange, foreseeing the king his father-in-law would soon desire the States to deliver up the duke of Monmouth, advised him to retire elsewhere. The duke followed his advice and withdrew to Brussels. But fearing he was not safe there, and that the court of Spain would think proper to sacrifice him to king James, he repaired privately to Amsterdam, where he had frequent conferences with Argyle. They had nothing ready to make an attempt, which might have the least ap- Burnet. P. 624.

(e) Burnet says the bill stuck with the lords and would not go down, they having no mind to reverse and condemn past proceedings, p. 640.

James II. 1685. pearance of ſucceſs. They were both without money, and not ſure of friends in England or Scotland to ſecond their projects. Mean while, the earl of Argyle meeting at Amſterdam with a rich widow, who lent him ten thouſand pounds, this unexpected ſupply ſo encouraged him, that he reſolved to make a deſcent in Scotland, where he hoped that his name, his credit, and the cauſe he intended to ſupport, would procure him friends enough. But the duke of Monmouth was not in ſo favourable a ſituation. He flattered himſelf, that the enmity of the Whigs againſt the duke of York would revive, when they ſhould ſee one at the head of their party; but he had yet no private correſpondence, with ſuch of the nobility and gentry, whoſe credit would be able to ſupport him, and moreover he wanted money. However, the earl of Argyle perceiving how advantagious it would be to him, that the duke of Monmouth ſhould make an invaſion in England, whilſt he ſhould himſelf do the like in Scotland, ſo managed that at length he perſuaded him to try the ſame fortune, though not till after the duke had long reſiſted his ſollicitations. Indeed, as the duke's affairs then ſtood, it was a raſh undertaking, eſpecially as it was to be executed when the parliament was ſitting. But ſome of his friends, very unfit to manage ſuch a deſign, and who were tired with living in exile, did all they could to encourage him (f). He therefore promiſed Argyle, that as ſoon as he ſhould hear of his landing in Scotland, he would not fail to make a deſcent in England.

Id. p. 629.

Argyle perſuades Monmouth to invade England.

Id. p. 630.

He lands in Scotland. Id. p. 631. Gazettes. Echard. III. p. 749.

Upon this poſitive promiſe, the earl of Argyle ſailed with three ſmall ſhips laden with arms for five thouſand men, having with him ſome German officers and ſome ſoldiers liſted in Holland. He arrived the 5th of May before Orkney in the north of Scotland, and ſent his ſecretary on ſhore for intelligence how the country ſtood affected. But the ſecretary being ſeized and brought to Edinburgh, the earl found nothing was to be done in thoſe parts. Wherefore he put to ſea again, and landed in the Weſt-Highlands, at a place called Dunſtafnage, a ruinous caſtle formerly his own. Here he left his arms and ammunition, and then publiſhed two declarations mentioned by the king in his ſpeech to both houſes.

May 29.

He publiſhes two declarations. Kennet. p. 425, 426.

(f) Particularly Wade, Ferguſon, but chiefly the lord Grey, and the Lady Wentworth, who followed him to Bruſſels deſperately in love with him. And both he and ſhe came to fancy, that he being married to his ducheſs while he was indeed of the age of conſent, but not capable of a free one, the marriage was null; ſo they lived together. Burnet, p. 630.

Where-

Whereupon the parliament of Scotland now ſitting, paſſed an act, That all the ſubjects of Scotland ſhould renew the oath of allegiance, and ſwear to aſſert the royal prerogatives whenever they ſhould be required, upon pain of baniſhment or impriſonment. James II. 1685.

Act of the Scotch parliament. Echard. III. p. 751.

The King, as we have ſeen, communicated to the parliament of England but one of Argyle's declarations: however preſently after he imparted alſo the other. Whereupon both houſes came to this reſolution. That they would aſſiſt his majeſty with their lives and fortunes, againſt the earl of Argyle and his adherents, and all other traitors whatſoever. The king very graciouſly thanked them, and in his anſwer to the lords, renewed his former promiſes.

The parliament of England reſolve to ſtand by the king. Kennet. p. 425.

The king confirms his promiſes. p. 427.

The committee appointed by the houſe of commons for the affairs of religion, and which, no doubt, conſiſted of the moſt zealous churchmen, conſidered the earl of Argyle's invaſion in Scotland, as an outrage committed by all the Preſbyterians of both kingdoms. Though the particulars of this invaſion could not yet be known, except only that the earl of Argyle was landed in Scotland, and had publiſhed two declarations, the committee took occaſion to draw up two votes, namely, 1ſt, That it is the opinion of the committee, that this houſe will ſtand by his majeſty with their lives and fortunes, in defence of the reformed religion of the church of England, as it is by law eſtabliſhed. 2dly, That an humble addreſs be preſented to his majeſty, to deſire him to iſſue out a proclamation, to cauſe the penal laws to be put in execution againſt all Diſſenters whatſoever. This laſt vote was the pure effect of the committee's prejudice, founded on the king's promiſe, that he would ſupport and preſerve the church of England to the utmoſt of his power. Probably, they imagined, the king, though a Papiſt, was ready to proceed with vigour againſt all the enemies of that church. But the previous queſtion being, Whether the queſtion ſhould then be put for the houſe to agree with the committee? it was carried in the negative. It was conſidered, 'twould not be agreeable to the king to cauſe the penal laws to be executed againſt all diſſenters, and conſequently againſt thoſe of his own religion. On the other hand, it was not proper to confine the order to the Preſbyterians in particular, without mention of the Papiſts. For theſe reaſons, the houſe, after mature deliberation, came to the following reſolution, nemine contradicente, "That this houſe doth acquieſce, and entirely rely, and reſt wholly ſatisfied on his majeſty's gracious word, and repeated declaration, to ſupport and defend

Project of the committee of religion againſt the Presbyterians, is rejected. Echard. III. p. 751. May 27. Kennet. p. 441.

James II. 1685. "fend the religion of the church of England, as it is now "by law eſtabliſhed, 'which is dearer to us than our lives." This vote clearly ſhows, that though the commons and Tories in general expreſſed a very great zeal for the king's intereſt, they had no intention to countenance the Romiſh religion, though ſome of their enemies have been pleaſed to draw ſuch an inference.

Purſuant to this reſolution, when the revenue-bill was ready, and the king come to the houſe of peers to give the royal aſſent, the ſpeaker of the commons made the following ſpeech.

"Moſt gracious ſovereign,

The ſpeaker's ſpeech to the king. May 30. Kennet. p. 427. Echard. III. p. 752. "WE, the knights, citizens, and burgeſſes of the "houſe of commons aſſembled in parliament, do "preſent to your majeſty the revenue you was pleaſed to de- "mand at the opening of this parliament, wherein we pro- "ceeded with as much ſpeed, as the forms of paſſing bills of "that nature would admit. We bring not with it any bill "for the preſervation or ſecurity of our religion, which is "dearer to us than our lives. In that we acquieſce entirely "and reſt wholly ſatisfied in your majeſty's gracious and ſa- "cred word, repeated declarations, and aſſurance to ſupport "and defend the religion of the church of England, as it is "now by law eſtabliſhed. We preſent this revenue to your "majeſty, without the condition of any additional, appro- "priating, or tacking clauſes whatſoever. And we humbly "beſeech your majeſty to accept of it, and along with it our "hearty prayers, That God Almighty would bleſs you with "a long life, and happy reign to enjoy it."

Gazettes. No. 2039. Upon the paſſing this bill, his majeſty was pleaſed to make this ſpeech to both houſes.

"My lords and gentlemen,

"I Thank you very heartily for the bill you have preſented "me this day; and I aſſure you, the readineſs and chear- "fulneſs that hath attended the diſpatch of it, is as acceptable "to me as the bill itſelf. After ſo happy a beginning, you "may believe I would not call upon you unneceſſarily for an "extraordinary ſupply: but when I tell you, that the ſtores "of the navy and ordnance are extremely exhauſted; that "the anticipations upon ſeveral branches of the revenue are "great and burthenſome; that the debts of the king my "brother, to his ſervants and family, are ſuch as deſerve "compaſſion; that the rebellion in Scotland, without putting

"more

" more weight upon it than it really deſerves, muſt oblige James II.
" me to conſiderable expence extraordinary: I am ſure ſuch 1685.
" conſiderations will move you to give me an aid to provide
" for thoſe things, wherein the ſecurity, the eaſe and happi-
" neſs of my government are ſo much concerned. But above
" all, I muſt recommend to you the care of the navy, the
" ſtrength and glory of this nation, that you would put it
" into ſuch a condition, as may make us conſidered and
" reſpected abroad. I cannot expreſs my concern upon this
" occaſion more ſuitable to my own thoughts of it, than by
" aſſuring you, I have a true Engliſh heart, as jealous of the
" honour of the nation as you can be; and I pleaſe myſelf
" with the hopes, that by God's bleſſing, and your aſſiſtance,
" I may carry the reputation of it yet higher in the world
" than ever it has been in the time of any of my anceſtors.
" And as I will not call upon you for ſupplies, but when
" they are of public uſe and advantage, ſo I promiſe you,
" that what you give me upon ſuch occaſions, ſhall be ma-
" naged with good huſbandry; and I will take care it ſhall
" be employed to the uſes for which I aſk them."

If ever there was occaſion to repeat his promiſes concern- Remark on
ing religion, and the nation's liberties, it was doubtleſs im- this ſpeech.
mediately after receiving from the houſe of commons ſo real a proof of their zeal, founded, as the ſpeaker ſaid, upon their confidence in the king's word. But it was by no means proper for the king to renew a promiſe he did not intend to perform. When this promiſe had procured him what he deſired, it was entirely forgot; and if it was ſometimes mentioned among the king's adherents, it was only to palliate the violation of it, as will hereafter appear.

The very moment the king thanked the commons for their noble preſent, they had occaſion to perceive their error, in not appointing the uſes to which ſuch an immenſe revenue ſhould be applied. It manifeſtly appeared by the king's ſpeech, that he did not pretend to employ this revenue ſolely in the uſual expences of the government, ſince at that very time, he demanded a great and extraordinary aid, for all the other things enumerated by him, and even for the maintenance of the navy, as if his revenue had been too inconſiderable to ſupply his occaſions.

In ſhort, it muſt appear ſtrange, that James, for having gained one naval victory, ſhould affect to exalt himſelf above all his predeceſſors. This was a vanity which did not ſeem to become him. Beſides, it will hereafter be ſeen, that nothing was farther from his thoughts than the deſign of promoting

James II. 1685. moting the honour and reputation of the Engliſh nation. Nevertheleſs, the commons, highly pleaſed with the king's ſpeech, granted him an additional duty of exciſe upon wines and vinegar, with a further impoſition upon ſugar and tobacco.

Statute-b. 1 James II.

The earl of Argyle's proceedings. Burnet. p. 631, &c. Kennet. Echard. III. p. 753.

Whilſt theſe things paſſed in England, the earl of Argyle was endeavouring to ſtrengthen himſelf in Scotland, diſperſing declarations, and ſending letters upon letters to his relations and friends. But though he was in his own county of Argyle, and the inhabitants had been formerly his vaſſals, all he could do was to aſſemble two or three thouſand men. With this little army he croſſed over, and landed in the Iſle of Bute. But within few days, having notice that a great number of forces, under the command of the earl of Dumbarton, the duke of Gordon, the marquis of Athol, the earl of Arran, and others, were advancing towards him from ſeveral parts, in order to ſurround him, he was forced to ſhift from iſland to iſland, to avoid them. This he could eaſily do, by means of his three ſhips, and ſeveral ſmall boats, till he heard that three men of war, and ſome frigates, would ſoon come and attack him. Then, he marched into Argyleſhire towards inverary, ordering his veſſels and boats to come and join him. But they were hindered by contrary winds from doing it ſoon enough. So, finding himſelf ſurrounded on all ſides, and conſidering that few came to join him, and that his troops began to deſert, he gave out, that he intended to attack the marquis of Athol, who was at Inverary. But at the ſame time, he ordered the old caſtle of Ellengreg to be fortified in the beſt manner poſſible, and leaving his cannon there, with a garriſon of one hundred and eighty men, marched into Dumbartonſhire. The ſame day, the king's ſhips came up to the caſtle, with intent to batter it, but the caſtle ſurrendered upon the firing of the firſt gun. By which the earl loſt five thouſand arms, five hundred barrels of powder, and all his cannon, beſides his three ſhips, which were alſo taken at the ſame time. This loſs ſo diſcouraged Argyle, as well as his officers, that from that moment they thought only of means to eſcape. But as, after the loſs of their ſhips, there was no way to fly out of Scotland, they retired from place to place with all poſſible ſpeed, even to the ſwimming of rivers. But they were ſo hotly purſued, that they were forced at length to diſperſe into ſmall parties (g), in order to ſave ſome, in

He ſuſtains a great loſs.

(g) It was then generally believed, that they were betrayed by Sir John Cockram, one of thoſe that came over with Argyle. For he undertaking to provide

in caſe the reſt ſhould have the misfortune to be over taken. At laſt, not to be tedious, I ſhall ſay in two words, the earl of Argyle having received a wound in his head, was obliged to quit his horſe, and run into the water up to his neck to ſave himſelf. In this poſture he was taken by a countryman, who threatened to knock him down if he would not yield (h). This happened on the 17th of June, twenty-eight days after his firſt landing in Scotland. He was not ſuffered to languiſh long. For, being brought to Edinburgh with great ignominy, his head was cut off in a few days, and placed on the Toll-Booth of the city (i). Rumbold, one of his friends and confidents, was likewiſe taken and executed with ſeveral others (k). Thus the king, without having contributed ſcarce any thing to it, ſaw himſelf delivered from the danger which threatened him from Scotland.

James II. 1685.

He is taken. June 17.

and beheaded. June 30. Burnet. p. 632.

The Duke of Monmouth, purſuant to his promiſe to Argyle, ſailed out of the Texel the 24th of May, with a ſmall man of war of thirty-two guns, and two other veſſels. He met with ſuch contrary winds, that he was nineteen days at ſea, though without being diſcovered by the king's ſhips which waited in the Channel to intercept him, the king hav-

The Duke of Monmouth ſails from Holland. Echard. III. p. 757. Kennet. p. 428. Burnet. p. 630, 640.

provide guides to conduct them ſafely into Galloway, and either miſtaking the way, or deſignedly miſleading them, he carried them into a bog, where they loſt their horſes and baggage. Kennet. p. 426.

(h) The earl preſented a piſtol to the countryman, but it miſſed fire. Whereupon the other gave him a blow on the head, which ſo ſtunned him that he fell, and in ſinking cried out, "Unfortunate Argyle! Kennet, p. 427.

(i) Purſuant to the ſentence paſſed three years before, which made his death to be looked on as no better than murder. He juſtified all he had done; for he ſaid, he was unjuſtly attainted: and that had diſſolved his allegiance. He complained of the Duke of Monmouth much, for delaying his coming ſo long after him, and for aſſuming the name of king, both which he ſaid was contrary to their agreement at parting. Burnet, p. 6[illegible]

(k) Ailoffe and Rumbold were taken, who, though Engliſhmen, had choſe rather to follow Argyle than Monmouth. Rumbold was the perſon that dwelt in Rye-Houſe, where it was pretended the plot was laid for murdering the late and preſent king. He denied the truth of that conſpiracy. He owned that he had heard many propoſitions at Weſt's chambers about killing the two brothers, and upon that he had ſaid, it could have been eaſily executed near his houſe; upon which ſome diſcourſe had followed how it might have been managed. But he ſaid, it was only talk, and that nothing was laid or ſo much as reſolved on. He ſaid he was for kingly government, but did not believe that God had made the greater part of Mankind with ſaddles on their backs, and bridles in their mouths, and ſome few booted and ſpurred to ride the reſt. When Ailoffe was brought to London and examined by the king, he refuſed to diſcover any thing. Whereupon the king ſaid, "Mr. Ailoffe, you know "it is in my power to pardon you, "therefore ſay that which may de"ſerve it." He anſwered, as it is ſaid, "Though it is in your power, it is not "in your nature to pardon." He was nephew by marriage to the old earl of Clarendon. But that could not ſave him. Burnet, p. 633.

ing

James II. 1685. ing had ſo early notice of his deſign, that Skelton, his Majeſty's envoy at the Hague, had obtained an order from the States to arreſt him. For which reaſon, the duke departed ſooner then he intended. At laſt, he landed the 11th of June, with about eighty followers, in the Weſt of England, near Lyme, and the ſame day repaired to the town, where he was received without oppoſition. Here he publiſhed a declaration againſt the king. As this declaration is well known, I ſhall only mention the moſt material things in it (1).

Lands at Lyme.

His declaration. Life of King James II. p. 102. Kennet. p. 428. Echard. III. p. 758.

In the preface he ſaid, "That government was originally "inſtituted by God, and this or that form of it choſen and "ſubmitted to by men, for the happineſs and ſecurity of the "governed, and not for the private intereſt, and perſonal "greatneſs of thoſe that rule, That the government of "England was, above all others, happy in its primitive form, "whereby the prerogatives of the crown, and the privileges "of the ſubjects were ſo far from juſtling one another, that "the people's rights tended to render the king great, and the "prince's prerogatives were in order to the ſubjects protection "and ſafety. But that all the boundaries of the government "had of late been broken, and nothing left unattempted, for "turning the limited monarchy into an abſolute tyranny."

Then the duke proceeded to impute to the king all the miſchiefs in the reign of Charles II, as, "the burning of "London, the alliance with France, the two wars with "Holland, the Popiſh plot, Godfrey's murder, the pro-"teſtant-plot, the ſuborning witneſſes to ſwear the moſt "zealous patriots out of their lives, the hiring of villains to "aſſaſſinate the earl of Eſſex, and cauſing others to be clan-"deſtinely cut off, the frequent prorogations and diſſolutions "of the parliaments."

He next proceeded to what the duke of York had done ſince he aſſumed the title of king, as "the avowing himſelf "of the Romiſh religion; his publiſhing two proclamations, "one whereof required the collecting of the cuſtoms, and "the other continued that part of the exciſe which was to "expire at the king's death; his advancing thoſe to the "bench that were the ſcandal of the bar, and conſtituting "thoſe very men to declare the laws who were branded

(1) It was entitled, "The declaration of James duke of Monmouth, "and the noblemen, gentlemen and "others, now in arms for the defence "and vindication of the Proteſtant "religion, and the laws, rights and "privileges of England." It was long, (ſays Burnet) and ill penned: full of black and dull malice; it was plainly Ferguſon's ſtile, which was both long and fulſome, p. 641.

in

" in parliament for perverting them; his cauſing juries to be packed, falſe returns to be made, and new illegal charters to be granted, in order to have a parliament that ſhould, inſtead of preſerving the people's liberties, eſtabliſh his arbitrarineſs, and confirm the ſubjects thraldom." He declared moreover, " That he did not take up arms to revenge any perſonal injuries, but ſolely for vindicating his country's religion and laws." He did not fail, however, to affirm, " That his mother was lawful wife of Charles II." In concluſion, he accuſed the king of poiſoning the late king his brother. The reſt of the declaration contained the uſual proteſtations and invitations in papers of this nature. James II. 1685.

Though the facts contained in this declaration cannot be looked upon as proofs that the king was guilty of what the duke of Monmouth laid to his charge, they may ſerve however for proof, that the king from that time was accuſed of them, at leaſt by ſome men, and that theſe accuſations were not invented after his fall.

The king having communicated to both houſes the duke of Monmouth's landing at Lyme, they preſented an addreſs to him, aſſuring him of their zeal and aſſiſtance, and immediately after the commons proceeded to a bill of attainder againſt the duke of Monmouth (m). At the ſame time they deſired his majeſty to iſſue a proclamation, promiſing a reward of five thouſand pounds to any that ſhould bring in the duke dead or alive. The bill of attainder was diſpatched by the commons in two days, and in one by the lords. Act of attainder againſt Monmouth, June 13. Gazettes, No. 2042. Kennet, Echard, Burnet.

The 16th of June the king came to the houſe of peers, and gave the royal aſſent both to this bill and the money-bills before-mentioned. Two days after he ſent a meſſage to the commons, to acquaint them, that he judged it neceſſary for the members to be preſent in their reſpective counties, and therefore deſigned there ſhould be an adjournment in a few days; deſiring there might be a good fund for a preſent ſum of money, to anſwer the immediate charge his Majeſty muſt be at, on account of the duke of Monmouth's rebellion in the Weſt. Upon this meſſage, the commons voted a ſupply of four hundred thouſand pounds for the king's preſent extraordinary o[illegible]. Acts paſſed. Gazettes, N. 2043. Kennet. p. 430. The King demands money.

The two hou[illegible] expeditious to anſwer the king's deſires, that on th[illegible] of June there were twelve bills ready, moſt of them for the king's benefit; and on the 2d of Acts paſſed. Kennet, p. 430. Echard, III. p. 761.

(m) The commons, in their addreſs, called the duke of Monmouth——— " that ungrateful rebel."

July

James II. 1685. July, four more (n), beſides private bills. That day, the parliament was adjourned to the 4th of Auguſt. But the lord keeper gave notice, that the king did not intend there ſhould be a ſeſſion, but that the members about London ſhould meet and adjourn themſelves as there ſhould be occaſion, till winter, or till the king ſhould appoint the time by proclamation. Thus ended the firſt ſeſſion of this parliament, having done in ſix weeks what no other ever did in many months (o).

The Duke of Monmouth advances. Kennet, p. 431. Burnet. Echard. III. p. 763.

The duke of Monmouth's followers, who were not above eighty-two when he landed at Lyme, increaſed to two thouſand in three or four days. This made him hope they would continually increaſe as he advanced into the country. Wherefore, he departed from Lyme the 15th of June, and came the ſame day to Axminſter. He thereby prevented Chriſtopher Monk duke of Albemarle, who with four thouſand of the militia, intended to go and beſiege him in Lyme. The duke of Monmouth being come to Axminſter, diſpoſed his troops in ſuch manner, that Albemarle, inſtead of attacking him, thought proper to retreat, perceiving his militia-men had no inclination to do their duty. Albemarle's retreat enabled the duke of Monmouth to march to Taunton, where he arrived the 18th, and was received with loud acclamations. His army being conſiderably increaſed during a five or ſix days ſtay at Taunton, he imagined his affairs were in a proſperous way, and that all the country would join him. In this expectation he called a council, where it was reſolved he ſhould aſſume the title of king. He had already inſinuated in his declaration, that he was lawful ſon of Charles II, and thereby ſhown, that he pretended to the crown. But, in all likelihood, he would not have taken the title ſo ſoon, had not thoſe about him (p) repreſented to him, that appearing in arms againſt a king actually on the throne, he muſt be accounted a rebel as long as that king's right was acknowledged: that therefore, neither the nobility nor people could have any pretence to join him; whereas by taking upon him the royal ſtyle, he would have the ſame advantage as James with regard to right. Probably, there was no occaſion to uſe many other arguments to prevail with him. [illegible] had intimated

He comes to Taunton. Echard. Ibid.

(n) One was, for erecting a new church, to be called the pariſh of St. James, within the liberty of Weſtminſter.

(o) The ending of this ſeſſion, ſays Burnet, was no ſmall happineſs to the [illegible]nation, a body of men being diſmiſſed with doing ſo little hurt, p. 641.

(p) Particularly Ferguſon. See Kennet, p. 431. Note (c).

in

in his declaration, plainly ſhows, that this was the end he propoſed to himſelf. The only thing therefore was to conſult about the moſt proper time for it. In ſhort, purſuant to the advice of thoſe he conſulted, he was proclaimed king at Taunton the 20th of June, by the name of James II. James II. 1685. He takes the title of king.

He began his pretended reign with three proclamations. By the firſt, he promiſed the ſum of five thouſand pounds to any that ſhould bring the duke of York dead or alive. By the ſecond, he declared the parliament now ſitting a ſeditious aſſembly, and gave power to any that would to lay hold of the members as rebels and traitors, if they did not ſeparate before the end of June. The third was to declare the duke of Albemarle a traitor, who lay within ſix miles of Taunton with his militia-men to attack him, if he found opportunity. He publiſhes three proclamations, Kennet. p. 431. Echard. III. p. 765.

The 21ſt of June the duke marched to Bridgewater. He was received there as at Taunton, eſpecially as his army was increaſed to five thouſand men, and might have been more numerous, had he been able to arm thoſe that offered to ſerve him. Beſides arms he wanted alſo good officers, ſcarce any but the meaneſt of the people having joined him. After cauſing himſelf to be proclaimed in Bridgewater, and his three proclamations to be read, he marched for Briſtol, were the inhabitants were inclined to receive him, had they not been awed by the duke of Beaufort their governor. He advanced, however, within three miles of the city, at the inſtance of ſome Briſtol men, who aſſured him, he would be received in ſpight of the governor and the garriſon. But in the mean time, he had notice that the king's forces were advancing, which made him alter his reſolution of attempting Briſtol to that of retreating to Bridgewater. He marched therefore towards Bath, and after vainly ſummoning that city to ſurrender, he beat up one of the king's quarters, at Philip's-Norton, where lay a troop of horſe, which were entirely defeated (a). From thence he advanced to Frome, where he met with a chearful reception. But unhappily for him, the king's party had found means a few days before to diſarm all the inhabitants, ſo that he was diſappointed, his chief aim being to ſeize [illegible] for ſuch of his men as wanted them. At Frome [illegible] earl of Argyle's defeat, which threw him into [illegible] conſternation. However, he reſolved to purſue his march, and return to Bridgewater. He marches to Bridgewater, and is proclaimed there. He marches towards Briſtol. Hears of the advance of the king's army, and retreats to Bridgewater. He receives the news of Argyle's defeat.

(a) Henry Fitz-Roy, duke of Grafton, narrowly eſcaped with his life. Kennet, p. 431.

James II. 1685.

Whilſt theſe things paſſed in the Weſt, the king was preparing at London, with all poſſible diligence, for his defence againſt an enemy who could not but make him extremely uneaſy. But he had not many regular troops, and thoſe diſperſed in ſeveral parts of the kingdom. This obliged him to raiſe the militia, particularly in the weſtern counties, till the arrival of the ſix Engliſh and Scotch Regiments which were to come from Holland. On this occaſion, the prince of Orange, his ſon-in-law, ſent monſieur Bentinck with an offer of his perſon to head his army: but the king did not think proper to accept it. Mean while, as he had no great confidence in the militia, he ſent down his guards, and all the regular troops he could aſſemble, and formed a little army of two thouſand foot, and ſeven hundred horſe and dragoons. He gave the command to Lewis Duras, earl of Feverſham, brother of the marſhals Duras and de Lorge, and nephew to the late Mr. de Turenne. With theſe few troops, the earl of Feverſham encamped at a place called Sedgemore near Bridgewater, whilſt ſeveral parties of militia of the neighbouring counties lay about him, under the command of the dukes of Beaufort, Somerſet, Albemarle, and the earl of Pembroke.

The king makes ready.

The prince of Orange offers to head the army; but is refuſed. Kennet. p. 431.

Feverſham made general. Burnet. p. 643.

The duke of Monmouth attacks the king's army. July 6. Kennet. p. 431.

The duke of Monmouth, who was come to Bridgewater, looking upon himſelf as beſieged, and conſidering that the king's forces daily increaſed, whilſt his own began to deſert, held a council of war, wherein it was reſolved to march in the night, and ſurprize the earl of Feverſham, who was encamped that day at Sedgemore, and according to the report of the ſpies, little expected to be attacked. Purſuant to this reſolution the duke began his march about eleven at night with profound ſilence, and within two hours fell in with Dunbarton's regiment, which, lying in an advanced poſt, gave the alarm to the royal army, and by that they had time to draw up and receive their enemies. The particulars of the battle, which was fought about an hour after, are not well known. Thus much is certain, the duke of Monmouth's horſe, commanded by the lord Grey, behaved very ill (b), though ſuperior to the king's in [illegible] and were routed at the firſt charge. The duke of Monmouth, in the head of the foot, long fought with [illegible]. But being deſerted by his own, and attacked by the king's horſe, his army was at laſt forced to take to flight. The loſs of this battle was

(b) They were mounted on ordinary marſh mares and colts, that could not ſtand the noiſe of drums and guns. Kennet, p. 431.

aſcribed

aſcribed to the little experience or cowardice of the lord Grey, who commanded the horſe, and was even ſuſpected of treachery. What confirmed this ſuſpicion was, that being made priſoner, he readily obtained the king's pardon. It is ſaid moreover, that when he had ſo ill performed his duty, inſtead of endeavouring to rally the horſe, he rode up to the duke of Monmouth and told him, "all was loſt, and it was more "than time to ſhift for himſelf (c)." James II. 1685.

This battle was fought the 6th of July, at break of day. There were ſlain on the duke of Monmouth's ſide three hundred men on the ſpot, a thouſand in the purſuit, and as many taken priſoners. The duke retiring out of the fight, could hardly rally fifty horſe to ſecure his retreat. But theſe being quickly diſperſed, he was obliged to fly on foot, accompanied only with a German count, whom he had brought with him from Holland. The lord Grey was taken on the morrow, and, the day after, the duke of Monmouth was found in a ditch covered with fern, with ſome green peaſe in his pocket. Probably he had eaten nothing elſe for two days. He was brought to the lord Lumley, who immediately conveyed him to London. He is taken and ſent up to London, July 8.

No ſooner was the duke taken, but he believed himſelf loſt, and yet he retained ſome hopes that the king would be moved by his ſubmiſſion and repentance, and the queen dowager would intercede for him. In this belief, he wrote to the king for pardon, in the moſt ſubmiſſive terms he could deviſe, and which he thought moſt apt to move his compaſſion. He writ alſo to the queen dowager, who really interceded for him, and prevailed with the king to ſee the unfortunate duke. She made no doubt, that ſince the king had conſented to ſee him, he intended to pardon him; but ſhe was miſtaken. The duke being brought to the king's preſence, threw himſelf at his feet, and begged his life in a very ſubmiſſive or rather abject manner. The king, after aſking him ſome queſtions, made him ſign a declaration, whereby he owned, that the king his father aſſured him, he was never married to his mother. This done, the king told him, his crime was of too great a conſequence to be forgiven, and therefore he muſt [illegible]. The queen, who was preſent, is ſaid to have [illegible] misfortune in an unmerciful manner. He writes to the king. Echard. III. p. 771. Burnet. p. 644. who conſents to ſee him. The duke begs his pardon. Kennet. p. 433. the king denies it.

(c) But, after all, it ſeems there was no ground for ſuſpecting him of treachery. And as for his being pardoned, it was done, that the earl of Rocheſter might enjoy his eſtate, which could not be without ſparing that lord's life, ſince his eſtate was entailed. See Kennet, p. 432. Note. Burnet, p. 646.

James II. 1685. manner. The duke seeing no hopes left, rose from the king's feet with an air of bravery, which would have better become him when he first came into his presence, and was carried to the Tower to prepare for death. The king's and queen's behaviour on this occasion was thought very strange, princes not being used to admit criminals to their presence, but when they design to grant them a pardon. I do not find in any historian, that the duke was proceeded against in the usual forms, so, probably, he was condemned by the king alone.

Welwood. p. 147.

Till his execution, the king ordered Turner, bishop of Ely to attend him, and prepare him to die. The duke writ once more to the king for pardon, or at least for a long time, and desired him to send him Dr. Tennison (d) or any other divine. The king denied the two first articles of his request, and appointed Ken, bishop of Bath and Wells, to go and acquaint him, that he must die the next morning.

Echard. III. p. 772. Burnet. p. 645.

He is prepared for death.

In the morning, July the 15th, Dr. Tennison and Dr. Hooper were brought to him, and attended him till the last hour of his life. By their exhortations they persuaded him to give it in writing, that the king his father told him, he was never married to his mother. He confessed also, that his invasion was a sin, but would never own it a rebellion. There was another point about which the two divines could not receive from him any satisfaction, namely, his living with the lady Herriot Wentworth, tho' he had a duchess of his own, and his pretending to be lawfully married to her before God, alledging, that his first marriage was null, as being too young when he gave his consent. All the pains taken by the two doctors to convince him of the falshood of this opinion were fruitless, nay, he chose rather to deprive himself of the communion, than own his engagements with that lady to be unlawful.

He is executed.

When he was on the scaffold, he declared, he died a Protestant of the church of England. But Turner and Ken stopped him, and said, that to be a member of the church of England, he must believe the doctrine of non-resistance. He answered, he could not help it, but he did not believe it, yet he approved the doctrine of the church in all other things. At last, he laid his head on the block, which was not severed from his body until the first stroke. Thus died the duke of Monmouth, who had long been the people's idol, and whom James always considered as a very formidable rival. Charles II. died very seasonably to free the duke his brother from the

(d) Afterwards archbishop of Canterbury.

uneasiness

uneaſineſs created him by this competitor. But though James had mounted the throne, the duke of Monmouth endangered his crown. Neither the victory at Sedgemore, nor Argyle's defeat in Scotland, could be aſcribed to the valour or conduct of the king, but to mere chance, or rather to the direction of providence, which, for the welfare of England, was pleaſed to uſe properer means to be more plainly diſtinguiſhed. James II. 1685.

The king being thus freed from his greateſt fears, gave himſelf over entirely to the paſſion of revenge on thoſe who directly or indirectly had aſſiſted the duke of Monmouth. To that end, the lord chief-juſtice Jefferies was ſent with four judges aſſiſtants, into the Weſt, with a ſpecial commiſſion of oyer and terminer, to try the late rebels; and major-general Kirk was ordered to attend him with a body of troops, to keep the people in awe. It was not poſſible for the king to find in the whole kingdom, two men more deſtitute of religion, honour, and humanity. They were two cruel and mercileſs tygers, that delighted in blood. I ſhall relate here but ſome few of their barbarous actions: for a particular account of all their proceedings would be too great a digreſſion. The king takes a cruel revenge on his enemies. Jefferies and Kirk ſentinto the Weſt. Bloody aſſizes. Kennet. Echard.

At Wincheſter, the widow of lord Liſle (e), one of king Charles I's judges, was brought before him to be tried. Her crime was the harbouring and concealing Mr. Hickes a Preſbyterian miniſter (f) of the duke of Monmouth's party, tho' his name was in no proclamation, and one Nelthorp, who was a ſtranger to her. The jury, not ſatisfied with the evidence, brought her in not guilty. But Jefferies in great fury ſent them out again. They found her not guilty three times: but Jefferies threatening them with an attaint of jury, ſhe was brought in guilty, and executed accordingly, being above ſeventy years old (g). Barbarous proceedings of Jefferies. Bloody aſſizes. Burnet. p. 648, 650. State-trials, IV. p. 105. Sept. 2.

At Dorcheſter, Jefferies, to ſhorten his work, told thirty priſoners, that if they expected any favour, they ſhould plead guilty. But as they did not care to take that courſe, he condemned twenty-nine, who were immediately executed. Kennet. p. 433. R. Coke.

In another place, two hundred perſons being indicted, Jefferies poſitively promiſed a pardon to ſuch as ſhould plead guilty, and of [illegible] he ordered fourſcore to be hanged.

(e) He was one of Cromwell's lords, and commiſſioner of the great ſeal.

(f) Brother of the late Dr. Hickes, dean of Worceſter.

(g) All the favour the king would grant her was to change her ſentence from burning to beheading. State Trials, Tom. IV. p. 129.

James II. 1685. In fine, not to enlarge on such a scene of horror, it suffices to say, that Jefferies condemned five hundred persons, whereof two hundred and thirty were executed, according to the lowest computation (h), and their quarters set up in the highways. Jefferies himself gloried in this barbarity, and boasted, that he had hanged more men than all the judges of England since William the Conqueror. And yet he would have carried his cruelty farther, had not many purchased his favour with their estates. One Mr. Prideaux (i) alone gave him fourteen thousand pounds to save his life. As for those that had not money enough to buy pardons at his price, they were either hanged, or cruelly whipped, or sold for slaves into the American plantations.

Echard. III. p. 775.

Kirk was not behind Jefferies either in cruelty or insolence. Immediately after the duke of Monmouth's defeat, being sent to Taunton, he caused nineteen persons, by his own authority, without any trial or process, and without suffering their wives or children to speak with them, to be hanged, with pipes playing, drums beating, and trumpets sounding. It was this doubtless, that made him worthy to be an assistant to Jefferies.

And of Kirk. Ibid. Kennet. p. 434. Burnet. p. 647.

In the same town of Taunton, Kirk having invited his officers to dinner, ordered thirty condemned persons to be hanged whilst they were at table, namely, ten in a health to the king, ten in a health to the queen, and ten in a health to Jefferies. But one action he committed in another town is beyond all imagination. A young girl throwing herself at his feet to beg her father's (k) life, he drew her in to prostitute herself to him, with the promise of granting her request. But having satisfied his brutal lust, he was so inhuman, as out of the window, to present the credulous girl with the sight of her father hanging on the sign-post. This sad spectacle so affected the poor girl, that she fell distracted.

Father Orleans, who writ from the mouth of James II, not being able to deny these barbarous executions, endeavours to excuse them two ways. He says first, that the king was informed of them too late to prevent them, and that the great services performed by Jefferies and Kirk prevailed with him to spare them (l). He says [illegible], that the king made

Father Orleans refuted.

(h) Burnet says above six hundred were hanged, p. 648. See Kennet, p. 434. and Echard, T. III. p. 775.

(i) Of Ford Abbey in Somersetshire.

(k) Some say it was her brother's.

(l) Burnet assures us, that the king had a particular account of all Jefferies's proceedings writ to him every day

made amends for these injustices, as far as lay in his power, by the general pardon he afterwards granted. But it is easy to see, how vain these excuses are, if it is considered, that when Kirk was charged with these cruelties, he answered, that Jefferies and himself acted far short of the king's instructions. Again, the king was so little displeased with Jefferies's conduct, that at his desire he made him lord-chancellor (m), the lord-keeper North dying while the chief-justice was exercising his cruelties in the West. As for the general pardon, it was not published till several months after all these executions, when there were no more guilty to be found. The court must have believed, that very few could have the benefit of the pardon, since a company of young girls, from ten to twelve years old, were inserted by name, who with chaplets of flowers on their head, had presented a bible to the duke of Monmouth, at his entry into Taunton. James II. 1685. Kennet. p. 434. Echard. III. p. 775. R. Coke.

It was not only in the Western counties that the king gave sensible proofs of his revengeful temper. The city of London was witness also of several executions in October; among others, of Elizabeth Gaunt, who was publickly burnt for harbouring one of the duke of Monmouth's adherents (n), Six men were hanged at Tyburn as traitors, for crimes of the like nature, and what is more strange, without any previous trial. Several executions in London. Of Elizabeth Gaunt. State Trials. IV. p. 130. &c.

But the execution that made most noise, was that of alderman Cornish. This man, who was sheriff of London at the time of the discovery of the Popish plot, had been very active on that occasion, which was grown an unpardonable crime in the present reign. Cornish, whose name had hardly been mentioned in the Rye-plot, not suspecting any thing, and following his profession, was seized on Tuesday the 13th of October, and hurried to Newgate without being allowed the use of pen, ink, and paper. The next Saturday evening, he had notice that he was indicted of high-treason, and that his trial was to be on Monday morning. On the morrow, he sent a petition to the king for a longer time, alledging, that Of Alderman Cornish. Ibid. Kennet. p. 438. Burnet. p. 651. Echard. III. p. 776. October 19.

day. And he took pleasure to relate them in the drawing-room to foreign ministers, and at [illegible] Jefferies's campaign. [illegible] States embassador, told the king talked so often of these things in his hearing, that he wondered to see him break out into those indecencies, p. 648.

(m) And created him baron of Wem in Shropshire.

(n) The villain, upon hearing that the king would sooner pardon the rebels than those that harboured them, [illegible] an unheard of baseness, went and delivered himself, and accused her that harboured him, while she was looking for an opportunity of sending him out of the kingdom. Upon the Evidence of this infamous witness, the judge charged the jury to find her guilty. Burnet, p. 649.

James II. 1685. he did not even know wherein conſiſted the treaſon he was accuſed of. The king referred his petition to the judges, who abſolutely denied his requeſt. He was charged with conſpiring againſt king Charles II, with the Lord Ruſſel, and the reſt who had been executed for that affair, and condemned upon the evidence of the ſame witneſſes, though he ſhowed, in their depoſitions, manifeſt contradictions, and viſible improbabilities. But it was reſolved to revenge the death of thoſe who ſuffered for the Popiſh plot, upon ſuch as had been moſt active againſt the Papiſts. Cornish was executed as a traitor, the 23d of October. But the parliament, in the year 1688, reverſed the ſentence, as well as thoſe of ſome others, who had unjuſtly ſuffered in the beginning of this reign.

State Trials. IV. p. 160.

Of Bateman the Surgeon. Dec. 18. Ibid. p. 162. Echard. III. p. 780.

The laſt that died for the Proteſtant plot, was Charles Bateman, a noted ſurgeon, who was accuſed of holding ſeveral ſeditious diſcourſes at that time againſt the government. But many people believed, his chief crime conſiſted in his compaſſion to Titus Oates, having conſtantly attended him after his cruel ſcourgings, and uſed all his ſkill to cure his wounds. This man, who did not expect to be accuſed, grew diſtracted during his impriſonment, and the court was ſo well ſatisfied of it, that his ſon was permitted to make his defence for him. But his condition did not prevent his being condemned and executed.

The king's flouriſhing condition.

The king was then in a flouriſhing ſtate. His two greateſt enemies were deſtroyed, and by his revenge upon thoſe that had offended him, as well in his own as in his brother's reign, he had ſtruck ſuch a terror into the whole kingdom, that no man dared ſo much as to think of reſiſting him. The Whigs were intirely humbled, the Tories were triumphant, and the doctrine of paſſive-obedience and non-reſiſtance was openly preached, as an eſſential article of the faith of the church of England. The king had a parliament, which ſought only to give him marks of their zeal, and ever ready to ſupply him with money for all extraordinary occaſions, without his being obliged to meddle with his revenue. His army greatly contributed to make him feared, and keep the people in awe. Scotland was entirely ſubdued, and the affairs of that kingdom ſeemed only to mind the eſtabliſhing of the prerogative royal. As for Ireland, it will preſently be ſeen, that he had not ſtayed till now to put that kingdom in the ſtate he deſired. In fine, the princes of Europe conſidering him as a monarch able to incline the balance to which ſide he pleaſed,

made,

made, as I may say, their court to him, either to gain him, James II.
or at least to hinder him from turning against them. 1685.

What therefore did James II want to render his happiness complete? One thing, which affected him more than all the rest, but which he could not hope to obtain, without hazarding all his other advantages. This was, to make all his subjects Papists, or at least, to force them to pretend to be so. But this was not easy to be accomplished, by reason of the great superiority of the number of the Protestants in England and Scotland. Nevertheless, he attempted it, imagining, that the opportunity was too favourable to be neglected. But as he used at first very gross artifices, obvious to all the world, he was obliged to support them with force, and to that end, he was to set himself above the laws. These two projects, of establishing an arbitrary government, and destroying the Protestant religion, were not of a late date. Every one knew they had long been in hand. But the English did not expect, the king would violate his repeated promises to support and defend the religion established by law: Nay, some were so strangely blind, as to thing it impossible for the king to break his word. But they were afterwards too sensible of their error. All the rest of this reign consists only in the means used by the king to execute this design, and in the measures taken by the English at last to stop his career. I must begin with the first of these points, before I proceed to the second.

He forms new projects.

Kennet. p. 434.

Many things should have diverted the king from forming such a project. First, the difficulty of the execution, which might have been easily foreseen. For if it is considered, that the Papists of England are not the thousandth part of the nation, it must be thought strange, that with this thousandth part it is attempted to compel the rest to change their religion. I say compel, for what likelihood is there that, without compulsion, a whole nation may be persuaded to quit their religion and embrace another, for which they have the utmost abhorrence? It will, perhaps, be said, that James had almost accomplished it, and that without a foreign aid, the English would have been forced to submit to the yoke. But the inconsiderableness of that aid, demonstrates, he was yet very far from his ends.

Reasons which should have withheld the king from following them.

Secondly, As to the absolute power, which must have been established, in order to introduce a religion contrary to that of the whole kingdom, he was much mistaken in supposing, that France would lend him a powerful aid for that purpose. For it was not the interest of Lewis XIV, to ren-

der

James II. 1685. der the king of England abſolute, but only to raiſe commotions in that kingdom, which, by keeping England employed, ſhould facilitate the execution of his ambitious deſigns.

Welwood, p. 133, &c. Thirdly, If the examples of Edward II, and Richard II, as too remote from his time, made no impreſſion upon him; he ſhould have conſidered that of the king his father, who, for endeavouring to ſtretch the prerogative royal, and for being only ſuſpected of intending to introduce Popery, loſt his head on the ſcaffold. It has been ſeen, that Charles I, in the time of his afflictions, writ to the prince, his eldeſt ſon to take warning by him, not to aſſume more power than belonged to him. Moreover, when he was brought on the ſcaffold, he took off his George, and gave it to Dr. Juxon, ſaying, "Remember." The council of ſtate being willing to know the meaning of that expreſſion, Juxon anſwered, "That the king immediately before his coming out to the "place of execution, had charged him to carry to the prince "his George, with theſe his two laſt commands, That he "ſhould forgive his murtherers; and, If ever he came "to the crown, he ſhould ſo govern, as not to force "them upon extremities." The queen-dowager, as ſhe was going into Somerſet-houſe after the reſtoration of Charles II, ſaid, "Had I known the Engliſh ſome years "ſince, as well as I do now, I ſhould never have been "forced to leave this palace." In fine, Charles II, when at the point of death, told the duke his brother, "not to "think of introducing the Roman-catholic religion into "England, it being a dangerous and impracticable thing." Theſe warnings, which could not be ſuſpected by the king, ought to have made him ſeriouſly conſider what he was going to do.

Puffendorf life of Elect. of Brandenb.

Fourthly, don Pedro Ronquillo, the Spaniſh ambaſſador, at his firſt audience after the king's acceſſion to the crown, told him, "That he ſaw ſeveral prieſts about him, who "would importune him to alter the eſtabliſhed religion; "but wiſhed his majeſty not to hearken to their advice, for "if he did, he would have reaſon to repent of it when it "was too late." The king taking ill the ambaſſador's freedom, aſked him in French, "Whether, in Spain, the "king adviſed with his confeſſors? Yes, Sir, replied don "Pedro, and that is the reaſon our affairs go ſo ill."

Ibid.

Fifthly, pope Innocent XI, in a letter to the king upon his coming to the crown, told him, "That he was highly "pleaſed with his zeal for the Catholic religion: but was "afraid

" afraid he would carry it too far, and inſtead of contri- James II.
" buting to his own greatneſs, and the advancement of re- 1685.
" ligion, he would do both himſelf and the Catholic church
" the greateſt prejudice, by attempting that which could
" never ſucceed."

Laſtly, It was manifeſt, that the king could hope to ſucceed in his undertaking only by force, and that this force wholly lay in his army and fleet. But was it not a ſtrange project, to attempt to reduce by force a Proteſtant kingdom to the Catholic religion, with a Proteſtant army, and a fleet whoſe commanders and mariners were Proteſtants? He had [illegible] too much reaſon to perceive his error, when it was too late to correct it.

Theſe conſiderations, examples, and warnings, were ineffectual againſt the impetuous zeal of the king, and the importunities of thoſe who were admitted to his ſecret counſels, and particularly the queen. He attempted at once two things equally difficult, namely, to ſet himſelf above the laws, and to alter the eſtabliſhed religion. When I ſay he attempted it, I mean, openly and bare-faced, for it was no new deſign. He had formed it long ſince, and, not to carry back the beginning of it too far, it ſuffices to obſerve, that the execution of it had been privately labouring about twenty years; and that moreover, James did but purſue the ſcheme he had perhaps himſelf framed, when duke of York. It was not therefore the duke of Monmouth's defeat that inſpired James II with the thoughts of becoming abſolute, and altering the eſtabliſhed religion. His good fortune to conquer that rival, ſerved only to put him upon haſtening the execution of his projects. This evidently appears, when it is conſidered, what paſſed in Ireland ſince the beginning of his reign.

About two months after the king's acceſſion to the crown, he recalled the duke of Ormond from Ireland, and appointed two lords juſtices to govern that kingdom (o). The duke of Ormond was not a proper inſtrument for the king's purpoſes. At the ſame time, the privy-council of Ireland was diſſolved, and a new one appointed, into which were admitted ſeveral known Papiſts. Soon after, their number was ſo increaſed, that they made the major part of the council, ſo that the Proteſtants no longer aſſiſted, that they might not authorize

The King's proceedings in Ireland. Kennet. p. 466. Burnet, p. 654. Echard.

(o) The archbiſhop of Armagh, and Arthur Forbes Earl of Granard. The archbiſhop was ſo compliant to the court, that even his religion came to be ſuſpected. However, he was not thought thorough paced: for Sir Charles Porter was made chancellor in his room. Burnet p. 654.

by

James II. 1685. by their preſence, ſuch reſolutions as it was in vain to oppoſe. When the council was thus modelled, nothing was heard in Ireland, but impeachments againſt the Proteſtants, for being concerned in the Rye-plot, and afterwards, for holding correſpondence with the duke of Monmouth, or his adherents. The moment any perſon was accuſed, he was ſent to priſon by the council, without being admitted to bail, or brought to a trial. The earl of Granard, one of the lords-juſtices, and a good Proteſtant, weary of being an inſtrument to thoſe acts of injuſtice, deſired to be diſmiſſed. But the king denied him, and ſent him a letter under his own hand, aſſuring him, "that nothing ſhould be acted pre-"judicial to the Proteſtant intereſt." But it ſoon appeared, that the king never meant to perform this promiſe. For very ſhortly after, he reſolved to have a ſtanding army of Papiſts in Ireland, and to diſarm the Proteſtants. This laſt article was firſt put in practice. The king writ to the lords-juſtices, "That there was reaſon to believe, that the re-"bellion of Monmouth had been of that ſpreading contа-"gion, as to reach Ireland, and therefore it was not ſafe to "have the arms of the militia diſperſed abroad; but they "would be in greater readineſs for the uſe of the militia, and "the defence of the country, to have them depoſited in the "ſeveral ſtores of each county." Upon this order, the lords-juſtices publiſhed a proclamation, agreeable to the king's deſire, and the city of Dublin having brought in their arms, their example was followed by all the country.

Kennet, p. 447.

The Proteſtants being thus diſarmed, means were deviſed to turn the Proteſtant into a Catholic army. For that purpoſe, colonel Richard Talbot, a violent papiſt, was impowered to caſhier ſuch officers and ſoldiers as he thought fit. He was the man of all others moſt odious to the Engliſh proteſtants in Ireland. It is obſervable, that Titus Oates in his narrative of the popiſh plot, named him as deſigned for this very ſervice. So when the event was found to agree ſo well with what Oates had related, many could not help thinking either that he had been well informed, or was a good prophet.

Talbot having received his commiſſion, broke many officers, on pretence that they had been in arms againſt the king during the troubles, or were for the relations of thoſe who had ſerved the parliament in Cromwell's time. It muſt be obſerved, that all this paſſed in Ireland, before or immediately after the duke of Monmouth's defeat, at a time when the king had not yet manifeſted his deſigns in England. That I may not be

be obliged frequently to return to what was tranſacting in Ireland, I ſhall briefly add here, that about the end of the year, Talbot came into England, and was made earl of Tyrconnel, and lieutenant-general of the Iriſh army; and ſhortly after, Henry earl of Clarendon was appointed lord-lieutenant of Ireland. James II. 1685.

The parliament of England, after ſeveral adjournments, meeting at laſt on the 9th of November, the king made the following ſpeech to both houſes. Kennet, P. 434.

" My lords and gentlemen,

" AFTER the ſtorm that ſeemed to be coming upon us when we parted laſt, I am glad to meet you all again in ſo great peace and quietneſs; God Almighty be praiſed, by whoſe bleſſing that rebellion was ſuppreſſed; but when I reflect what an inconſiderable number of men began it, and how long they carried it on without any oppoſition, I hope every body will be convinced, that the militia, which hath hitherto been ſo much depended on, is not ſufficient for ſuch occaſions; and that there is nothing but a good force of well-diſciplined troops in conſtant pay, that can defend us from ſuch, as either at home or abroad, are diſpoſed to diſturb us. And in truth, my concern for the peace and quiet of my ſubjects, as well as for the ſafety of the government, made me think it neceſſary to encreaſe the number to the proportion I have done; this I owed as well to the honour, as to the ſecurity of the nation, whoſe reputation was ſo infinitely expoſed to all our neighbours, by having lain open to this late wretched attempt, that it is not to repaired without keeping ſuch a body of men on foot, that none may ever have the thought again of finding us ſo miſerably unprovided. It is for the ſupport of this great charge, which is now more than double to what it was (p), that I aſk your aſſiſtance, in giving me a ſupply anſwerable to the expence it brings along with it; and I cannot doubt, but what I have begun, ſo much for the honour and defence of the government, will be continued by you with all the chearfulneſs and readineſs, that is requiſite for a work of ſo great importance. The king's ſpeech to the parliament. Gazettes, No. 2085.

" Let no man take exception, that there are ſome officers in the army not qualified, according to the late teſts, for their employments: the gentlemen, I muſt tell you, are

(p) The army, which before conſiſted but of ſeven thouſand men, was increaſed to fifteen thouſand. Rapin.

" moſt

James II. 1685.

"most of them well known to me; and having formerly "served me on several occasions, and always approved the "loyalty of their principles by their practice, I think them "fit now to be employed under me; and I will deal plainly "with you, that after having had the benefit of their ser-"vices in such time of need and danger, I will neither ex-"pose them to disgrace, nor my self to the want of them, "if their should be another rebellion to make them neces-"sary to me. I am afraid some men may be so wicked, to "to hope and expect, that a difference may happen between "you and me upon this occasion: but when you consider, "what advantages have risen to us in a few months, by the "good understanding we have hitherto had; what wonder-"ful effects it hath already produced in the change of the "whole scene of affairs abroad, so much more to the ho-"nour of the nation, and the figure it ought to make in the "world; and that nothing can hinder a further progress in "this way to all our satisfactions, but fears and jealousies, "amongst ourselves; I will not apprehend that such a mis-"fortune can be befal us, as a division, or but a coldness be-"tween me and you; nor that any thing can shake you in "your steadiness and loyalty to me, who, by God's blessing, "will ever make you all returns of kindness and protection, "with a resolution to venture even my own life in the de-"fence of the true interest of this kingdom."

People's eyes begin to be opened. Echard. III. p. 781.

This speech equally surprized both houses of parliament, and the whole kingdom, when it came to be published. The English had often ventured their lives in the defence of their laws and liberties, of which they then believed themselves secure, as well by the constitution of the government, as by the king's solemn promise, but they beheld their laws openly attacked in the most sensible part. Many of those who had most warmly opposed the exclusion-bill, began to open their eyes, and perceive, that the jealousies and fears of the Whig parliaments were too well grounded, and that it was difficult to reconcile the interests of a Roman Catholic king, with those of a Protestant kingdom. This was what the Whigs had in vain declared in the last reign. Instead of duly weighing their reasons, the Tories had run into the other extreme, nay, had expected to be [illegible] by setting the duke of York on the throne. But this [illegible] of the king, made them proceed for the [illegible] with a little more caution, tho' by their principles they were not yet obliged to take such measures as would have been necessary.

It

It was warmly debated in the houſe of lords, whether they ſhould give the king thanks for his ſpeech. Some were utterly againſt it; whereupon the marquiſs of Hallifax ſaid, "They "had now more reaſon than ever to give thanks to his "majeſty, ſince he had dealt ſo plainly with them, and diſ-"covered what he would be at." Nevertheleſs, it was reſolved by the majority, that the king ſhould be thanked. But however, the biſhop of London moved, that his majeſty's ſpeech might be debated; and though it was unuſual in the houſe, the 23d of the month was appointed to take the ſpeech into conſideration, with which the king was highly pleaſed. James II. 1685. The lords thanked the king. Ibid. Burnet. p. 664.

When the commons were returned to their houſe, the king's ſpeech was ordered to be read, which was followed by a long and profound ſilence. At laſt, the earl of Middleton moved for an addreſs of thanks to the king for his ſpeech. This motion produced a ſecond ſilence, which was broke by the lord Caſtleton, who, more bold than the reſt, plainly declared againſt thanking the king. Wherefore, as there would probably be ſome difficulty in the matter, the debate was adjourned till the 12th of the month. To give the reader a clear notion of the difficulties which occurred in the king's demand, I ſhall make here ſome obſervations which perhaps will not be foreign to the purpoſe. The commons deferit Nov. 12. Life of James II. p. 120. Kennet. p. 435.

The houſe of commons, as I ſaid, conſiſted then of Tory-members, there being very few Whigs, or if any, their number was not conſiderable. Now the Tories had a very different notion of the regal power, from that of the Whigs. They had, as we have ſeen, declared in the late reign for paſſive-obedience and non-reſiſtance, and the church made it an article of faith. Nevertheleſs it may be ſaid, when they introduced this doctrine without any limitation, they did not foreſee all the conſequences. It was properly to contradict the principles of the Whigs, who ran into the other extreme. As they imagined, that Charles II and James II were for them, they fancied they could not ſtretch the royal prerogative too much, in the belief, that theſe two princes would exert it only againſt their adverſaries. According to this principle, king James's demand for a ſtanding army of fifteen thouſand men in time of peace, did not ſeem contrary to their intereſt, tho' the parliaments had ever been extremely averſe to a ſtanding army, which ſerved only to increaſe the regal power. But what the king did by his ſole authority, in employing Popiſh officers in this army, was a thing as much againſt the Tory as the Whig intereſt. It was eaſy Obſervations on this matter.

to

James II. 1685. to perceive, of what dangerous consequences it might be to the Protestant religion in general, as well Episcopalian as Presbyterian, and these consequences were the more to be dreaded, as what passed in Ireland plainly discovered the king's intentions. Besides, the power assumed by the king, to exempt the Popish officers from taking the test, was directly contrary to the liberties of the kingdom as well as to religion.

A supply voted. Life of James II. p. 120, &c. Kennet. Echard. III. p. 782. Burnet.

When therefore the king's speech was debated the 12th of November in the house of commons, such members as were not of the same principles with the rigid and violent Tories, spoke with great freedom, representing the inconveniencies of a standing army in time of peace (q), and moved for new modelling the militia, so as to render them of use upon occasion. They were suffered to talk as much as they pleased, but when the question was put for a supply to be given to the king, it was carried in the affirmative. It is true, some one having moved that these words might be added, "towards the support of the additional forces," they were rejected, that the house might not appear to approve of the augmentation of the regular troops, and instead thereof it passed, "the house be moved to bring in a bill to make "the militia useful." By this they would have had it believed, that the parliament reserved to themselves the power of breaking the regular troops, and establishing a good militia in their room. But, doubtless, it was to hinder the people from being alarmed, if they saw the parliament approve of maintaining an army in time of peace. For, after all, a supply was given the king for the maintenance of this army.

Echard. p. 783.

As to the sum which was to be granted, the courtiers moved for twelve hundred thousand pounds. Others exclaimed against the exorbitancy of such a sum, and were for reducing it to four hundred thousand pounds, alledging, that it would be enough to maintain the additional forces two years, till the militia should be made useful. They represented, that they had already given customs and excises for his majesty's life, which amounted to six mil-

(q) Among other things it was [illegible] —"All the profit and [illegible] "nation is in our [illegible] "ing an army, [illegible] "many idle persons, [illegible] "the rest of the [illegible] "debauch the [illegible] "people, their [illegible] "servants, &c." On the other hand, the [illegible] party alledged, "That "there was a [illegible] spirit in the three "[illegible]; not yet well al- "layed, and [illegible] considerable a force "[illegible] besides the militia." Life of James II. p. 123, 124, 130.

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lions (a) and that if they gave ſo much at once, they ſhould have nothing left to give; eſpecially as it was the nation's intereſt, that the king ſhould have frequent occaſion for his parliament. At laſt, after great debates, it was reſolved, that a ſupply of ſeven hundred thouſand pounds ſhould be granted to the king. It was evident therefore, that the maintenance of an army of fifteen thouſand men was not what moſt diſpleaſed the commons in the king's ſpeech. James II. 1685.

But the affair of the Popiſh officers was of ſuch a nature, that it concerned the Tory no leſs than the Whig party. It was eaſy to ſee the great danger of the Proteſtant religion, if the parliament, after having agreed to a ſtanding army, ſhould further conſent to the king's employing as many Papiſts as he pleaſed. The commons thought therefore, that on this occaſion it was neceſſary to ſet ſome bounds to paſſive-obedience, though till now this doctrine had been maintained without any reſtriction, becauſe it was not imagined, that the king would attack religion and the laws. One of the members ſpeaking on this ſubject, repreſented very ſtrongly, "That his majeſty, on his firſt acceſſion to "the crown, told them, 'He had been miſrepreſented, "and that he would preſerve the government in the church "and ſtate, now eſtabliſhed by law, and maintain them in "all their juſt rights and privileges:' That, overjoyed at "this, they ran haſtily to him, and were ſo forward to "give, that the king's miniſters put their ſtop to it: that "they ought not to forget, that there was a bill of exclu- "ſion debated in that houſe; and that the arguments for it "were, 'That they ſhould, in caſe of a Popiſh ſucceſſor, "have a Popiſh army:' That they ſaw the act of the teſt "already broken; but prayed them to remember what the "late lord chancellor told them when king Charles paſſed "that act: 'By this act, ſaid he, you are provided againſt "Popery, that no Papiſt can poſſibly creep into any employ- "ment;' That he was greatly afflicted at the breach of "their liberties, and ſeeing ſo great a difference between his "laſt ſpeech, and thoſe heretofore made, he could not be- "lieve but this was made by ſome other advice: that what "the thing ſtruck at there was their all; and that he won- "dered there had been any men ſo deſperate, as to take "any employment without being qualified for it: and con- "cluded to have a ſtanding army voted deſtructive to the "country." During theſe debates the court-party were not Debates about Popiſh officers. Kennet, p. 435. Echard. III. p. 784.

(a) Reckoning all the time for which they had been granted. Rapin.

James II. 1685. idle. They repreſented very ſtrongly, the inconveniencies of not complying with the king's deſires. The reſult was, the appointing a committee to draw up the following addreſs, which was preſented to the king the 17th of November.

"Moſt gracious ſovereign,

The commons addreſs. Kennet. p. 435. R. Coke. p. 349.

"WE your majeſty's moſt loyal and faithful ſubjects, "the commons in parliament aſſembled, do, in "the firſt place, as in duty bound, return your majeſty "our moſt humble and hearty thanks, for your great care "and conduct in ſuppreſſing the late rebellion, which threat"ened the overthrow of this government both in church "and ſtate, to the extirpation of our religion as by law "eſtabliſhed, which is moſt dear into us, and which your "majeſty hath been pleaſed to give us REPEATED ASSU"RANCES you will always defend and maintain; which, "with all grateful hearts we ſhall ever acknowledge. We "further crave leave to acquaint your majeſty, that we "have, with all duty and readineſs, taken into our con"ſideration your majeſty's gracious ſpeech to us: and "as to that part of it relating to the officers in the army, "not qualified for their employments, according to an act "of parliament made in the 25th year of the reign of your "royal brother, entitled, 'An act for preventing dangers "which may happen from Popiſh recuſants;' we do, out "of our bounden duty, humbly repreſent unto your majeſty, "that theſe officers cannot by law be capable of their em"ployments; and that the incapacities they bring upon "themſelves that way, can no way be taken off but by an "act of parliament: therefore, out of that great reverence "and duty we owe unto your majeſty, who have been "graciouſly pleaſed to take notice of their ſervices to your "majeſty, we are preparing a bill to paſs both houſes, for "your royal aſſent, to indemnify them from the penalties "they have now incurred: and becauſe the continuing "them in their employments, may be taken to be a diſpen"ſing with the laws, contrary to an act of parliament, the con"ſequences of which [illegible] concern to the rights "of your majeſty's ſubjects, and to all the laws made for the "ſecurity of their religion. We therefore, the knights, "citizens, and burgeſſes of your majeſty's houſe of com"mons, do moſt humbly beſeech your majeſty, that you "would be moſt graciouſly pleaſed to give ſuch directions "therein, that no apprehenſions or jealouſies may remain in "the hearts of your majeſty's moſt loyal ſubjects."

This

This addreſs being preſented to the king by the ſpeaker, attended by the whole houſe, his majeſty gave them this anſwer. James II. 1685.

" Gentlemen,
" I did not expect ſuch an addreſs from the houſe of commons: for having ſo lately recommended to your conſideration the great advantage a good underſtanding between us had produced in a very ſhort time, and given you warning of fears and jealouſies amongſt ourſelves; I had reaſon to hope, that the reputation God had bleſſed me with [illegible] world, would have ſealed and confirmed a good confidence in you of me, and of all that I ſay to you. But however you proceed on your part, I will be ſteady in all my promiſes I have made you, and be juſt in my word in this, and all my other ſpeeches."

This anſwer, though pretty obſcure, ſo ſurprized the commons, that when it was read in the houſe, they kept a profound ſilence for a conſiderable time. At laſt it was moved by one of the members, that a particular day might be appointed to conſider of the king's anſwer. This motion was ſeconded by Mr. Coke, burgeſs for Derby, who added, " He hoped they were all true Engliſhmen, and not " to be frighted out of their duty by a few hard words." Though this ſpeech was very conſiſtent with the freedom of a houſe of commons, the majority, however, were pleaſed to look upon Mr. Coke as an incendiary, who intended to ſow diſcord between the king and the commons, and voted him to be ſent to the Tower. Moreover, the houſe, to make amends in ſome meaſure for the offence they had given the king, proceeded to ways and means towards raiſing the ſeved hundred thouſand pounds before voted. But they ſtopped not there. To ſhow the king that they ſought all poſſible ways to content him, beſides a bill to indemnify the Popiſh officers from the penalties they had already incurred, they reſolved to offer another to the king, to qualify ſuch a number of thoſe officers to ſerve in the army as he ſhould think fit. All this demonſtrates, it was with regret that the houſe ſwerved from the principle of paſſive-obedience and non-reſiſtance.

The commons ſeek to content the king. Kennet. p. 436. Life of James II. p. 134. Echard. III. p. 785. Burnet. Nov. 19. Welwood.

In the mean time, the lords received petitions from Thomas Grey, earl of Standford, and Henry Booth, lord Delamere, repreſenting, that theſe two peers were committed to the Tower in July laſt, upon a general accuſation of treaſon, kept cloſe priſoners, and denied the uſe of pen, ink, and paper.

Petitions from the lords priſoners. Nov. [illegible] Kennet. p. 436.

James II. 1685. paper. These petitions obliged the lords to send to the king, to know the reason why these two peers were imprisoned. The king answered by the lord chancellor, that they were committed for high-treason, and that he had given orders for a commission of oyer and terminer to try the lord Delamere in Cheshire, where the crime was committed. But as he had given no orders about the earl of Stanford's trial, the lords appointed him to be tried by his peers, to which the king consented.

Nov. 16.

The king prorogues the parliament. Kennet. p. 437. Echard. III. p. 787.

Within a few days, on the 20th of November, the king finding it would be very difficult to obtain his desires of the commons concerning the Popish officers, prorogued the parliament till the 10th of February, after a session but of eleven days. The king lost, by the prorogation, the seven hundred thousand pounds voted by the commons. But he did not want it, considering the vast sums they had liberally granted him. This prorogation, which was followed by several others, and at length by the dissolution of the parliament, the last in this reign, is a clear demonstration of two things. First, that the king considered the affair of the Popish officers in the army, as of great moment, since he chose rather to lose seven hundred thousand pounds, than see his pretended right to employ them contested by the parliament. The second is, the excessive compliance shown the king by the commons, in enabling him to maintain an army, employ Popish officers, and, in a word, to have no occasion for a parliament. For from hence sprung all the evils which afflicted England during the rest of this reign.

The lord Delamere's trial. State-trials. IV. p. 210. Burnet. p. 668. Kennet. Echard.

About a month after the prorogation of the parliament, the lord Delamere was brought to his trial by his peers, though the king had before resolved to have him proceeded against in another manner. The lord Howard was the first witness produced against him. But though he gave a large account of the duke of Monmouth's conspiracy, he deposed nothing positive against the lord Delamere. The second witness was Ford lord Grey, at which every one was surprized, it not being known that he was pardoned. This gave occasion to think he was in great favour with the king. But his evidence tended more to prove in general the duke of Monmouth's rebellion, than the guilt of the prisoner in particular. One Saxon was the only witness that swore to the lord Delamere's correspondence with the duke of Monmouth. But as he was a person of very bad reputation, the lords took no notice of his evidence, and the prisoner was unanimously acquitted.

[illegible] is acquitted.

As

As for the earl of Stanford he was admitted to bail, and though nothing could be proved againſt him, he thought fit to lay hold on the proclamation of pardon which was publiſhed ſhortly after. This pardon appeared not till the end of the year, after the executions of a great number of perſons. It was moreover clogged with ſo many exceptions, that the king was not much thanked for it. James II. 1685. The lord Stanford is diſcharged upon bail. Gazettes.

James, in this firſt year of his reign, beſtowed honours and dignities upon ſeveral of his favourites and adherents, and advanced others to high offices. Henry Bennet, earl of Arlington, dying July 28, his place of lord chamberlain was given to John Sheffield, earl of Mulgrave, who became one of the chief favourites in this reign. Laurence Hyde, earl of Rocheſter, was made lord treaſurer, and Henry, earl of Clarendon, his elder brother, lord lieutenant of Ireland. Robert Spencer, earl of Sunderland, principal ſecretary of ſtate, was declared lord preſident of the council, and from that time became prime-miniſter of ſtate. Promotions at Court. Gazettes.

The perſon moſt known abroad, that died this year, was Sir John Marſham, eminent for his great ſkill in ancient hiſtory and chronology. He departed this life in the eighty third year of his age (b) The death of Sir John Marſham.

The year 1686, to which we are now to proceed, was wholly ſpent, as well as the next, in the execution of the king's two grand projects, namely of making himſelf abſolute and eſtabliſhing Popery. Theſe two projects could not but keep equal pace. For the king being a Papiſt, his chief aim in rendering himſelf abſolute was to alter the religion of the kingdom, and, on the other ſide, he could not introduce Popery, but by ſetting himſelf above the laws. 1686.

Before things were carried any farther in England, he believed it proper to be aſſured firſt of Scotland and Ireland. As for Scotland, the managers there were entirely diſpoſed to comply with the king's will. The late parliament, beſides the acts before-mentioned, paſſed one (c) wherein it was declared, "That they owe all their bleſſings to the ſacred race of their glorious kings, and to the ſolid, abſolute authority wherewith they were inveſted by the firſt and fundamental laws of their monarchy: —— And therefore they again declare to the world, That they ab- Proceedings of the parliament of Scotland. Kennet, p. 444. Burnet. Echard. III. p. 790.

(b) This year alſo died Sir William Dugdale, Garter king at arms, author of the Baronage, Antiquities of Warwickſhire, &c. and Thomas Otway.

(c) Containing a tender of duty, and offer of the exciſe to his majeſty. Kennet, p. 444.

James II. 1686. "hor and deteſt not only the authors and actors of all preceeding rebellions againſt their ſovereign, but alſo all principles and poſitions which are contrary or derogatory to the king's ſacred, ſupreme, ſovereign, abſolute power and authority, which none, whether particular perſons or collective bodies, can participate of any manner of way, or upon any pretext, but in dependence on him, and by commiſſion from him, &c." They paſſed another act, "To confirm and approve whatever had been done by his majeſty's privy-council, juſtice-court, and thoſe commiſſionated by them, in baniſhing, impriſoning, or fining ſuch as refuſed to take and ſwear the oath of allegiance; and to aſſert the royal prerogatives in the utmoſt extent of them."

If what paſſed in Scotland in the reign of Charles I. and during the Interregnum, be remembered, it will be eaſily perceived, this was not the general ſenſe of the Scots, but only the opinion of a parliament devoted to the king, and which viſibly abuſed their authority, to eſtabliſh a form of government directly contrary to the old conſtitution.

Life of James II. p. 140. Encouraged by theſe great advances, the king ſummoned the parliament of Scotland, to aſſemble the 29th of April this year, and wrote a letter to them, wherein, "He recommends to their ſpecial care, his innocent Roman Catholic ſubjects, who had always been aſſiſtant to the crown in the worſt of rebellions and uſurpations, though they lay under diſcouragements hardly to be named: "Theſe he moſt heartily recommended to them; to the end, that as they had given good experience of their true loyalty and peaceable behaviour, ſo, by their aſſiſtance, they might have the protection of his laws, not ſuffering them to lie under obligations, which their religion could not admit of; by doing of which, they would give a demonſtration of their duty and affection towards him, and do him moſt acceptable ſervice. And this love he expected they would ſhow to their brethren, as they ſaw him an indulgent father to his people."

Gazettes. No. 2135. The Earl of Murray, lord-high-commiſſioner, ſeconded this letter, with a particular account of the many advantages the king intended to procure his realm of Scotland, chiefly with reſpect to trade. He alſo endeavoured to perſuade them, that what the king deſired, tended as much to the honour and welfare of his ſubjects of Scotland, as to his own ſatisfaction. He concluded with ſaying, "By this you will

"ſhow

" ſhow yourſelves the beſt and moſt affectionate ſubjects, James II.
" to the beſt, the incomparable, and moſt heroic prince in 1686.
" the world."

When the king's letter, and the lord commiſſioner's ſpeech came to be conſidered in the parliament, ſome members, without looking farther, were for complying with the king's deſires. But others, in greater numbers, moved and prevailed to have a committee appointed, to examine the ſtatutes againſt the Papiſts. The committee finding the ſtatutes prohibited only the public exerciſe of the Popiſh religion, drew up a bill to allow them the exerciſe of their religion in private. But when this bill was preſented to the parliament, it met with ſo much oppoſition, that the lord-commiſſioner thought fit to adjourn the debate to another time, till he had received inſtructions from court. The king ſent him orders to diſſolve, or at leaſt prorogue the parliament, and ſome months after, by his ſole authority, he eſtabliſhed liberty of conſcience in Scotland. Kennet. P. 445.

Affairs in Ireland were upon another foot. The king's will met with no oppoſition there, and though the lord lieutenant was a Proteſtant, his credit and authority were inſufficient to put a ſtop to the acts of injuſtice committed againſt thoſe of his religion. The new earl of Tyrconnel was no ſooner returned to Dublin, with the title of lieutenant-general of the army, but he began again to break the Proteſtant officers and ſoldiers, and put Roman Catholics in their places; without vouchſafing to aſk for the lord-lieutenant's order (d). This bred a quarrel between them, wherein Tyrconnel behaved very haughtily, ever ſaying, he did nothing but by the king's expreſs order. When he had modelled the army according to the king's mind, he went over into England, where, by means of the queen, and father Petre the Jeſuit, he ſupplanted the earl of Clarendon, and was appointed lord-lieutenant of Ireland. Upon his arrival at Dublin, he endeavoured by a proclamation to diſpel the fears of the Proteſtants, who ſaw themſelves, to their great trouble, in ſubjection to a Catholic. But his actions correſponded not with his promiſes. Wherefore, a great number of Proteſtants choſe rather to quit their eſtates in Ireland, and withdraw into England, than remain under the government of one ſo juſtly odious to them. On the

Affairs of Ireland, King's State, &c. Kennet. P. 447.

Life of James II. P. 137.

Feb. 12. Kennet. P. 448.

(d) Two or three hundred Engliſh gentlemen, who had laid out their fortunes in purchaſing their military poſts, were now arbitrarily disbanded, and five or ſix thouſand private ſoldiers ſent a begging. Kennet, p. 447.

James II. 1686. other hand, the Engliſh merchants who traded in Ireland, withdrew their effects, and by that the kingdom was reduced to great extremities. But all theſe diſadvantages were compenſated by the hopes of rooting out the Proteſtant religion in that country.

Means made uſe of by the king in England to execute his deſigns. Kennet. p. 449. Burnet. Echard. III. p. 796.

But it was chiefly in England that the king deſired to eſtabliſh Popery and arbitrary power. For, as I ſaid, one of thoſe things could not advance without the other. If he had only aimed at abſolute power, without meddling with religion, in all appearance, he would have eaſily ſucceeded, ſince paſſive-obedience was in a manner eſtabliſhed, and now reckoned an eſſential doctrine of the Church of England, the members whereof made the body of the nation, and were poſſeſſed of all the offices and places of truſt. But as he had already diſcovered, that if he wiſhed to be freed from the Yoke of the laws, it was chiefly to eſtabliſh his religion; the parliament, however devoted to him in all other reſpects, had not been ſo compliant as to abandon the intereſt of religion: notwithſtanding this, he hoped to attain his ends; firſt, by cauſing the judges to give it as their opinion, that he had a power to diſpenſe with the laws. Secondly, by gaining the members of parliament by degrees, being reſolved to have no ſeſſion till he had accompliſhed that deſign. In England, as in other places, there are men always ready to ſacrifice the public, to their private intereſt, and there were but too many, on the preſent occaſion, even among the clergy themſelves. Dr. Cartwright, dean of Rippon, ſpeaking, in a ſermon, of the king's promiſes made to the parliament, which were then the common topic of diſcourſe and complaint, ſaid, "That the king's promiſes "were free donatives, and ought not to be too ſtrictly "examined or urged; and that they muſt leave his majeſty "to explain his own meaning in them." The king was ſo delighted with this gloſs, that he rewarded the author with the biſhopric of Cheſter, as an encouragement to other clergymen to follow ſo good an example.

Cartwright's gloſs upon the king's promiſes. King's State, &c. Echard. III. p. 797.

He is made Biſhop of Cheſter.

Alterations among the judges. April 21. Kennet. p. 449. Echard. III. p. 797. Burnet, p. 667, 669.

As for the judges, the king took care to ſend for them one by one, and talk with them privately in his cloſet (e), in order to perſuade them to declare for his diſpenſing power, telling

(e) Upon which the term "Cloſetting" was much toſſed about. He not only talked with his judges in this manner, but with many parliament-men, about the affair of the Teſt, ſome whereof gave him very flat and hardy denials; others, tho', more ſilent, yet were no leſs ſteady. So finding he could not bring the majority to a compliance, he diſſolved the par-

telling them, he would have twelve Judges of his opinion (f). Four absolutely refused to comply, and were immediately displaced. The king appointed four others of more pliable and submissive understandings, among whom there was one Papist (g). James II. 1686.

At the same time, the king made a call of serjeants at law, among whom were several Catholics, one of whom was knighted (h), and a little after, another lawyer of the same religion was made a judge (i). A call of serjeants Kennet.

The privy-council also underwent the like alteration, the king having received into it five zealous Catholics, namely, the earl of Powis, the lord Arundel of Ardour, and the lord Bellasis, (who had been long confined in the Tower, being accused of the Popish plot) Henry Jermyn, lord Dover, and the earl of Tyrconnel. He likewise admitted the new bishop of Chester, and Dr. Parker bishop of Oxford, a reputed Papist. All these changes clearly discovered the king's intentions. And in the privy-council. July 17. Gazettes.

But it was not long before he gave more signal marks of them. It has been remembered, that he assumed a power to dispense with the observation of the test-act in his Catholic officers. The parliament's refusal of their consent to this innovation, only exasperated the king, and made him resolve to exempt from the penal laws all his subjects in general, and consequently the Papists. But as this was directly against law, he undertook to show, by the means of his corrupt judges, "That a power in the king to dispense with law, "was law." For that purpose he took care first to have papers dispersed through the kingdom, to prove this pretended right, and to prepare the people for his designs (k). At last in a particular case (l), all the judges, except one, gave their opinions for the king, and made it a general rule in law: 1. The judges give their opinion that the king may dispense with the laws. Welwood, p. 169. Kennet, p. 486. Echard. III. p. 798. Burnet. p. 669. Welwood, p. 172.

parliament: of whom, Burnet says, In all England it would not have been easy to have found five hundred men so weak, so poor, and so devoted to the court. So happily was the nation taken out of their hands by this precipitated violence of a bigotted court. Burnet. p. 668.

(f) Upon which Jones told him, "Possibly your may find twelve judges "of your opinion, but you will scarce "find twelve lawyers to be so." Kennet, p. 449.

(g) The judges turned out, were, Sir Thomas Jones, William Montague, Sir Job Charlton, Sir Edward Neville. In whose places were put, Sir Henry Bedingfield, Sir Edward Atkyns, Sir Edward Lutwiche, Richard Heath. Kennet, p. 449.

(h) Sir Christopher Milton, the poet's brother, who was made a judge.

(i) Sir Richard Allibone of Gray's-Inn, a Papist. The motto used by the serjeants was 'Deus, Rex, Lex,' Ibid.

(k) L'Estrange and others were employed to show, 'That a power in the 'king to dispense with law, was law.' Echard, Tom. III. p. 798.

(l) In the case of Sir Edward Hales, a Popish gentleman of Kent, who had an employment. Burnet, p. 669.

That

James II. 1686. That the laws of England are the king's laws. 2. That therefore it is an incident, inſeparable prerogative of the kings of England, as of all other ſovereign princes, to diſpenſe with all penal laws, in particular caſes, and upon particular neceſſary reaſons. 3. That of theſe reaſons and neceſſities the king is the ſole judge; conſequently, 4. That this is not a truſt inveſted in and granted to the king, but the ancient remains of the ſovereign power of the kings of England, which never was yet taken from them, nor can be.

Life of James II. p. 146.

The Papiſts openly profeſs their religion. Welwood, p. 173.

In conſequence of this deciſion, the Papiſts, with the king's permiſſion, ſet up every where in the kingdom, the free and open exerciſe of their religion. The Jeſuits erected colleges and ſeminaries in all the conſiderable towns; and at the ſame time, four Popiſh biſhops were publicly conſecrated in the king's chapel, and ſent down to exerciſe their functions in their reſpective dioceſes, under the title of vicars apoſtolical. Their paſtoral letters addreſſed to the lay-Catholics, were printed at the king's printing-houſe, and diſperſed through the kingdom. Monks appeared in the habits of their order at Whitehall and St. James's, and ſcrupled not to tell the proteſtants, "That they hoped in a little time, to walk in pro-"ceſſion through Cheapſide." And as many converts were expected, that ſo plentiful a harveſt might not want labourers, a great number of prieſts and monks were ſent from foreign parts. From this time, the only way to preferment was to be a Papiſt, or a promoter of Popery. All affairs of the council were managed by Catholics, or ſome others who had but little regard to religion. Thus, by the deciſion of ten or twelve judges, nominated and corrupted by the king before their admiſſion, the laws of England were given up, and the conſtitution entirely altered. By a like practice it was, that Charles I cauſed his judges to decide, that he had a right to impoſe taxes in caſes of neceſſity, of which neceſſity himſelf was ſole judge. Hence it may be perceived, that the laws of England would be ill ſupported, had they no firmer foundation than the deciſions of judges appointed by the king. But it is ſurprizing, that the precedent of ſhip-money, eſtabliſhed by Charles I and in effect, the principal cauſe of his ruin, made ſo little impreſſion on James II. But the violence of his zeal for his religon, made every thing eaſy or poſſible to him, and, at all events, he was reſolved to run the riſk of the undertaking.

Biſhops conſecrated. Echard. III. p. 798.

Places beſtowed on Papiſts.

The clergy forbid to preach upon controverted points,

The king uſed another expedient for the advancement of his religion. He ſent a circular letter to the biſhops, with an order, prohibiting all the inferior clergy from preaching

ing upon controverted points of divinity, for fear, as was pre- James II.
tended, of raiſing animoſities among the people. It was thus 1686.
that the perſecution began in Queen Mary's reign, and it
ought not to ſeem ſtrange, that a Popiſh king ſhould imitate Welwood, p. 173.
ſo zealous a Popiſh queen. But on this occaſion, the clergy Kennet, p. 452.
of the Church of England clearly diſcovered their averſion to Echard. III. p. 799.
Popery, of which they had hitherto ſtood accuſed by their but obeys not.
enemies, on pretence of a ſcrupulous attachment to ſome
modes and ceremonies, which the firſt reformers had not
thought fit to retrench. For many of the dignified clergy, Burnet, p. 673, 674.
and the moſt diſtinguiſhed for their piety and learning, far Echard.
from prevaricating in the diſcharge of their office, preached III. p. 799.
openly on controverted points, or rather made them the chief
ſubject of their diſcourſes. They ſaw the tendency of this
extraordinary inhibition, at a time when the Proteſtant reli-
gion was openly attacked, as well in ſermons, as writings
printed with licence, and induſtriouſly diſperſed through the
nation. It is juſtice to do honour to theſe faithful miniſters of
the goſpel, by tranſmitting to poſterity the names of the moſt
diſtinguiſhed amongſt them. Theſe were Tillotſon, Stilling-
fleet, Tenniſon, Wake, Patrick, Sharp, Sherlock, all fa-
mous for their writings, and all afterwards promoted to the
firſt dignities of the church.

The king and his Popiſh council were extremely offended The king erects an eccleſiaſtical commiſſion.
with this boldneſs, and therefore, to force the Proteſtant
clergy to ſubmiſſion, the King erected a new court for eccle-
ſiaſtical affairs, compoſed of various members, among whom Kennet, p. 452.
were ſeveral Catholics. A nomination of Papiſts to be judges Echard. III. p. 800.
of a Proteſtant clergy in matters of doctrine and diſcipline, Burnet, p. 675.
ſhowed that the king would no longer keep any meaſures.
Among theſe commiſſioners were three biſhops, namely,
William Sancroft of Canterbury, Crew of Durham, and
Sprat of Rocheſter. The reſt were all laymen, of which the
principal were Jefferies lord chancellor, the earl of Rocheſter
lord treaſurer, the earl of Sunderland ſecretary of ſtate and
preſident of the council, and the lord chief juſtice Herbert.
The commiſſion was directed to any three of them, whereof
the lord chancellor was always to be one, for a reaſon very
obvious.

By this commiſſion they had a power to exerciſe and exe- Power of the eccleſiaſtical commiſſioners.
cute all manner of juriſdictions and pre-eminences, concern-
ing any ſpiritual or eccleſiaſtical juriſdictions; to viſit, re-
form, redreſs, and amend all abuſes, offences, contempts,
and enormities whatſoever, which by the ſpiritual or eccle- Kennet,
ſiaſtical [illegible] p. 452. [illegible] p. 356.

James II. 1686. siastical laws of the realm might be lawfully corrected. They were also to enquire of all offences, contempts and misdemeanors committed, or hereafter to be committed; that they might be corrected and punished by the censure of the church; they were to search for, and call before them all ecclesiastical persons of what degree or dignity soever, and to punish the offenders, by excommunications, suspensions, deprivations, or other ecclesiastical censures: they were empowered to send for all statutes, rules, letters-patents of universities, colleges, grammar-schools, and all other ecclesiastical corporations, and the said statutes to correct, amend, and alter as they saw convenient, &c.

Many of the best lawyers thought this commission illegal, and contrary to the act passed in the 17th year of Charles I for abolishing the High-commission-court. Others pretended, there was nothing in it contrary to that act. It seems however, that the court was conscious of its illegality, since tho' it was granted in April, it was not opened till August. Besides, the archbishop would never act in it.

The affair of the bishop of London. State-Try. IV. p. 243. Kennet, p. 455. Burnet. Welwood.

Shortly after, Dr. Sharp, in a sermon, vindicated the Church of England in opposition to the errors of Popery. The king being informed of it, pretended, that the preacher's intention was to beget an evil opinion of him and his government in the minds of the hearers, and to lead them into disobedience and rebellion. On this supposition he sent a letter to Henry Compton bishop of London, commanding him forthwith to suspend Dr. Sharp from farther preaching in any parish-church or chapel in his diocese, till he had given him satisfaction, and his farther pleasure was known therein. On receipt of this order, the bishop wrote to the earl of Sunderland, and prayed him to communicate his letter to the king.

June 14.

June 18. He represented, that he was to proceed according to law, and as a judge; and by the law no judge condemns a man before he has knowledge of the cause, and has cited the party. Dr. Sharp himself carried the letter, but could obtain no answer. Two days after, he waited on the king at Windsor, with a very humble petition, but without any effect. The king and his council had already resolved to embrace this occasion to punish the bishop of London, who was odious to the court, because he had moved in the house of lords to examine the king's speech. Besides, by so great an example, they were resolved to establish the authority of their new ecclesiastical court. The bishop was therefore cited to appear before the commissioners the 4th of August, where he was treated in

a

a manner unbecoming his birth (m) and dignity by Jefferies the chancellor, who uſed him with his wonted inſolence. The biſhop demanded a copy of the commiſſion, or at leaſt to hear it read. But this was refuſed, and he was anſwered by Jefferies, that the commiſſion might be had in every coffee-houſe for a penny. At laſt, with great difficulty, he obtained a delay of five days. The 9th of Auguſt he appeared a ſecond time before the court, and again on the 23d, when he diſowed its juriſdiction, alledging, that as a biſhop he had no other judge but his Metropolitan: but his plea was rejected. At laſt, after two or three adjournments of the court, he was ſuſpended from the function and execution of his epiſcopal office, for his diſobedience and contempt: And the biſhops of Durham, Rocheſter, and Peterborough, were appointed commiſſioners within the dioceſe of London, during the biſhop's ſuſpenſion. Dr. Sharp was likewiſe ſuſpended, but it was only for a few days.

James II. 1686.

Burnet, p. 676.

who is ſuſpended. Sept. 6.

This affair convinced all the world, that the court was reſolved to ſilence all the Proteſtant miniſters, to prevent their maintaining the Proteſtant religion in their ſermons. It was alſo perceived, that the king was reſolved to keep no more meaſures, ſince in a time of profound peace, he had formed a camp of fifteen thouſand men upon Hounſlow-Heath, under the command of the earl of Feverſham. In this camp was a public chapel, where maſs was ſaid every day.

Echard. III. p. 806. Burnet.

Though the army had but very few Popiſh officers and ſoldiers, it was feared, that the whole would be ſubſervient to the king in the execution of his deſigns, in conſequence of that blind obedience uſually profeſſed by an army. To obviate this danger, Samuel Johnſon a clergyman (n), addreſſed a writing to the Proteſtant officers and ſoldiers of the army, wherein he laid before them the reaſons which ought to prevent their being the inſtruments of the court, for the deſtruction of their religion, and the ſubverſion of the government. This writing was too oppoſite to the king's deſigns to eſcape unpuniſhed. Wherefore the author being tried at the King's-bench, was ſentenced to ſtand three times in the pillory, to be whipped from Newgate to Tyburn, and to pay a fine of five hundred marks. The ſentence, after Johnſon's ſolemn degradation, was executed with great rigour. But his writing made a ſtrong impreſſion upon the

Johnſon a clergyman addreſſes a writing to the army; Ibid. Kennet. p. 450. R. Coke, p. 364.

for which he is ſentenced to be whipped, pilloried, and fined.

(m) He was brother to the late, and uncle to the then earl of Northampton.

(n) The ſame who wrote the book called Julian the Apoſtate, which had given ſuch offence to the duke of York in the laſt reign, and drawn upon the author a ſevere proſecution.

minds

James II. 1686. minds of both officers and ſoldiers, and very much promoted the great deſertion which happened two years after in the army.

Miles Prance proſecuted. Kennet, p. 449. Echard. III. p. 807.

About the ſame time, the goldſmith, Miles Prance, who had been a witneſs againſt the perſons tried for the murder of Sir Edmundbury Godfrey, and had taken away three lives by his evidence, was tried upon an information exhibited againſt him for perjury, and ſentenced to pay a fine of a hundred pounds, to ſtand three times in the pillory, and to be whipped from Newgate to Tyburn. But becauſe he pleaded guilty, the whipping part of the ſentence was remitted. Some ſay, he was ſo intimidated by the example of Oates, that he pleaded guilty merely to eſcape puniſhment. Others again pretend to confirm his confeſſion from a declaration publiſhed by him afterwards, wherein he diſowned his depoſitions in 1678. But as he was a Papiſt, ſome have ſuſpected he was induced by religious motives to publiſh this declaration. In a caſe of this nature every man is at liberty to form his own conjectures.

The king is buſy to gain proſelytes. Kennet, p. 451. Echard. III, p. 808.

It was eaſy to diſcover from the king's whole conduct, that he had entirely pulled off the maſk, and was deſirous to have it thought, he intended to introduce the Roman Catholic religion. Accordingly, this was not doubted. His promiſe to the council and parliament to preſerve the Proteſtant religion was entirely forgot, and there was no man ſo bold as to remind him of it. It was even dangerous to ſpeak of it in public converſation, for fear of ſome miſchievous conſequence. Nor was the king contented with acting openly in favour of his religion, but even privately uſed all poſſible endeavours to make proſelytes, chiefly among his courtiers and perſons of the firſt rank. He ſucceeded with reſpect to Robert Spenſer earl of Sunderland, who was willing to give him this proof of his devotion for him, though for ſome private reaſons he refuſed to make a public abjuration.

The earl of Sunderland turns Papiſt.

The earl of Rocheſter refuſing to become a Papiſt, is removed from being treaſurer. Kennet. Burnet, p. 684.

But he was not ſo ſucceſsful in his attempt upon his brother-in-law the earl of Rocheſter. For though the earl conſented to be preſent at a conference held by divines of both religions (o), the diſpute, it ſeems, only attached him more firmly to the Proteſtant religion, ſince he bravely refuſed to forſake it. The king, mortified by his firmneſs, removed him from the treaſury, which was put in commiſſion, but withal aſſigned him a yearly penſion of five thouſand pounds

(o) The Proteſtant divines were, Dr. Patrick and Dr. Jane; and the Popiſh, Gifford and Godden. Kennet, p. 451.

upon

upon the poſt-office. The earl of Clarendon his elder brother felt likewiſe the effects of the king's diſpleaſure upon the ſame account. Being recalled from his government of Ireland before the time, he was deprived, about the end of the year, of the privy-ſeal, which was given to the lord Arundel, a Papiſt (p). James II. 1686.

The earl of Clarendon diſplaced.

At laſt, the king gave an unqueſtionable proof of his zeal for the Popiſh religion, by ſending the earl of Caſtlemain in embaſſy to the Pope, "To reconcile the three kingdoms of "England, Scotland, and Ireland, to the Holy See, from "which for more than an age they had fallen off by hereſy." The ambaſſador was received at Rome with a coldneſs which gave the king a ſenſible mortification. Innocent XI, not ſuffering himſelf to be impoſed upon by this outward ſhow, conſidered the embaſſy was too much precipitated, ſince the converſion of the three kingdoms was yet far from being finiſhed, and therefore he reſolved to be no actor in a farce which would only render him ridiculous. And indeed to pretend to reconcile three kingdoms to the Church of Rome, on pretence of a few late converſions, was it not expoſing the Pope, the king, and the Catholic religion to the mirth and inſults of their enemies? This embaſſy was owing, it is ſaid, to the influence of the Jeſuits, who would have all Europe believe, they had converted the three kingdoms. But Innocent XI was not ſo fond of the Jeſuits, as to give them this ſatisfaction at the expence of his own honour. Beſides, being then engaged in a quarrel with France, and not ignorant of the cloſe union between Lewis XIV and James II, he was pleaſed with giving ſome mortification to Lewis in the perſon of his friend and brother of England. To this was owing his treatment of the ambaſſador with ſo much coldneſs, not to ſay, incivility. Whenever he granted him an audience, his holineſs had a fit of coughing at command, which ſpoiled the ambaſſador's harangue, and obliged him to withdraw. This happened ſo often, that at laſt the earl of Caſtlemain threatened to be gone. The Pope with his uſual coldneſs ſent him word, "That ſince

The earl of Caſtlemain ſent ambaſſador to the pope.

Is coldly received. Welwood, p. 157.

(p) John Sheffield, earl of Mulgrave, and lord chamberlain, being ſollicited by the prieſts to change his religion, "he heard them gravely ar-"guing for tranſubſtantiation." And then told them, "He had taken much "pains to bring himſelf to believe in "God, who made the world and all "men it; but it muſt not be an ordi-"nary force of argument, that could "make him believe, that man was "quits with God, and made God "again." —Colonel Kirk was alſo ſpoken to, to change his religion, but he briſkly replied, "He was pre-"engaged, for he had promiſed the "King of Morocco, that, if ever he "changed his religion, he would turn "Mahometan," Burnet, p. 683, 684.

"he

James II. 1686. " he would be gone, he adviſed him to riſe early in the morn-
" ing, that he might reſt himſelf at noon; for in thoſe coun-
tries it was dangerous to travel in the heat of the day." All the favour the ambaſſador could obtain from the Pope, was a licence to the Marſhal D'Humiere's daughter to marry her uncle, and a diſpenſation of the ſtatutes of the Jeſuits order, that father Petre might enjoy a biſhopric. It is ſaid, the archbiſhopric of York was kept vacant for him. But if the Pope and moſt of the cardinals coldly received the Engliſh ambaſſador, the Jeſuits made him ſome amends by ſhowing him all poſſible reſpect. At laſt, the king recalled him, being unable to bear ſo many mortifications.

All places beſtowed upon Papiſts. Gazettes. Kennet.

However, the ill ſucceſs of this embaſſy, diſcouraged not the king from purſuing his deſigns with ſuch ardour and openneſs, that it could not be miſtaken. Not only all vacant preferments were conferred upon Papiſts, but, without any reaſon given, Proteſtants were deprived of their places to make room for Papiſts. So, it was eaſily ſeen, that none beſides Papiſts, or Proteſtants not attached to their religion, could pretend to any employments. The court was ſo open in their meaſures, that ſome of the principal Catholics could not forbear repreſenting to the king, that his proceedings were more dangerous than advantagious to their religion. But the king was deaf to all but violent counſels, and ſuch as were agreeable to his temper and zeal. One may ſee in the following letter, dated the 2d of February 1684, from a Jeſuit of Liege to a Jeſuit of Fribourg, the king's diſpoſition with regard to religion.

1686-7. Letter from a Jeſuit of Liege. Echard. III. p. 811.

" It is wonderful to ſee king James's great affection to our
" ſociety: He wiſhed proſperity to this whole college, by
" the reverend father, the provincial, and earneſtly recom-
" mended himſelf to our prayers. Upon father John Keynes's
" return to England, he gave him a moſt gracious reception,
" (while earls and dukes were commanded for ſome hours to
" wait for admittance) with whom, in the queen's preſence,
" he diſcourſed with all familiarity. He aſked him, 'How
" many candidates for orders he had, and how many ſtudents?'
" And upon the provincial's anſwer to his majeſty, who was
" urgent with him, 'That of the former and the latter he had
" above fifty;' he replied, 'There would be occaſion for
" double or treble that number, to effect what he deſigned
" for that ſociety's performance;' and ordered, that they
" ſhould be all exerciſed in the art of preaching: 'For now,'
" ſays he, 'England has need of ſuch.'

I do

James II. 1686-7.

"I do not doubt but you have heard, that the King writing to Father de la Chaiſe, the French king's confeſſor, concerning the affairs of the houſe among the Walloons, declared, That whatever was done to the Engliſh fathers of that houſe, he would look upon as done to himſelf. Father Clare, rector of the ſame houſe, being arrived at London to treat of that matter, got an eaſy acceſs to the king, and as eaſily gained his point. The king himſelf forbad him to kneel and kiſs his hand, according to cuſtom, ſaying, 'Reverend father, you have indeed once kiſſed my hand; but if I had known then, as I do now, that you were a prieſt, I would rather myſelf, father, have kneeled [illegible]d kiſſed your hand.' After he had finiſhed his buſineſs, in a familiar converſation, his majeſty told this father, 'That he would either convert England, or die a martyr, and he had rather die the next day and convert it, than reign twenty years piouſly and happily, and not effect it.' Finally, he called himſelf, A SON OF THE SOCIETY, of whoſe good ſucceſs,' he ſaid, 'he was as glad as of his own.' And it can ſcarcely be expreſſed how much gratitude he ſhewed, when it was told him, 'That he was made partaker,' by the moſt reverend our provincial, 'of all the merits of the ſociety;' out of which he is to nominate one for his confeſſor; but hitherto it is not known who it will be: ſome report, that it will be the reverend father the provincial, but ſtill there is no certainty of that. Many are of opinion, that father Edward R. Petre, who is chiefly in favour with the king, will obtain an archbiſhopric, but more believe it will be a cardinal's cap. To him has been granted, within this month or two, all that part of the palace, in which the king uſed to reſide, when he was duke of York, where there is not a day, but you may ſee I know not how many courtiers waiting to ſpeak to his eminence, for ſo they ſay he is called. For the King adviſes with him, and with many Catholic lords, who have the chief places in the kingdom, to find a method to propagate the faith without violence. Not long ſince, ſome of theſe lords objected to the king, 'That they thought he made too much haſte to eſtabliſh the faith.' To whom he anſwered, 'I am growing old, and muſt take LARGE STEPS; elſe if I ſhould happen to die, I might perhaps leave you in a worſe condition than I found you.' When they aſked him, 'Why then he was ſo little concerned about the converſion of his daughters, who were the heirs of the kingdom?" He anſwered, 'God will take

James II. 1686-7. "care of that; leave the converſion of [illegible] daughters to me; "do you, by your example, convert your tenants and others "to the Faith.'

"He has Catholic lord-lieutenants in moſt counties; and "we ſhall have ſhortly Catholic juſtices of the peace in almoſt "all places. We hope alſo, that our affairs will have good "ſucceſs at Oxford. In the public chapel of the vice-chan-"cellor, who is a Catholic, there is always one of our di-"vines, who has converted ſome of the ſtudents to the faith. "The biſhop of Oxford himſelf, ſeems to be a great favourer "of the Catholic faith; he propoſed to the council, Whe-"ther it did not ſeem to be expedient, that at leaſt one col-"lege ſhould be granted to the Catholics at Oxford, that "they might not be forced to ſtudy beyond ſea at ſuch great "expences; but it is not yet known what anſwer he had. "The ſame biſhop having invited two of our brethren, toge-"ther with ſome of the nobility, drank the king's "health to a certain heretic lord who was in company, "'wiſhing his Majeſty good ſucceſs in all his undertakings:' "adding alſo, 'That the religion of the Proteſtants in Eng-"land, did not ſeem to him in a better condition, than Buda "was before it was taken; and that they were next to "Atheiſts, that defended that faith.' Many embrace the "true religion, and four of the moſt conſiderable earls had "lately made public profeſſion of it. Father Alexander "Keynes, the provincial's nephew, to whom is committed "the care of the chapel belonging to the elector Palatine's "envoy, is continually taken up in ſolving and anſwering the "queſtions of heretics, who doubt of their faith, of whom "you may ſee two or three together walking by the chapel "door, continually diſputing about ſome point of religion. "As to prince George, it is yet uncertain what religion he "profeſſes. We gradually begin to get footing in England; "we teach human learning at Lincoln, Norwich, and York; "and at Worceſter we have a public chapel, protected by a "guard of the king's ſoldiers; and we are to buy ſome "houſes at Wigan in Lancaſhire. The Catholic intereſt "grows very ſtrong; and at ſome churches granted to the "Catholics, upon holidays, there are often counted fifteen "hundred preſent at the ſermon. At London alſo, our bu-"ſineſs is carried on with the ſame good ſucceſs: ſermons "are preached upon every holiday, and there are ſo many "that frequent the chapels, that they are not big enough to "hold them. Two of our ſociety, Dormer and Bertue, "preach continually before the king and queen; father Ed-

ward

" ward Neville, before the queen-dowager; father Alexan- James II.
" der Keynes, in the chapel aforeſaid; others in other cha- 1686-7.
" pels. There are many houſes bought in the Savoy, near
" Somerſet-Houſe, which is the queen dowager's palace, to-
" wards erecting the firſt college in London, for about eigh-
" teen thouſand florins; and they are hard at work to bring
" them to the form of a college, that a ſchool may be
" opened before Eaſter.

" A Catholic lord-lieutenant is ſhortly to go over to Ire-
" land; becauſe the King cannot be ſatisfied with any other,
" to eſtabliſh the Catholic intereſt in that kingdom. The
" parliament will certainly ſit in this month of February, of
" whom his majeſty is reſolved to aſk three things: Firſt,
" That by a general act all the Catholic peers may be ad-
" mitted to ſit in the upper houſe: ſecondly, That the
" teſt may be aboliſhed: and Thirdly, which is the chief
" point, That all penal laws againſt Catholics ſhould be
" abrogated. And that he may the better obtain theſe things,
" he deſigns to let them all know, 'That he is reſolved to
" turn out all thoſe who will not heartily act for the obtain-
" ing of them; and likewiſe diſſolve the parliament.' At
" which reſolution ſome heretics being terrified, came to a
" certain earl to adviſe with him what might be done; to
" whom he anſwered, 'The king's mind is ſufficiently
" known; what he has once ſaid he will certainly perform:
" if you love yourſelves ſubmit to the king's pleaſure.' There
" is to be a great preparation of war at London, and a fleet
" of above a hundred men or war is to be fitted out againſt
" the ſpring, but againſt whom it is uncertain. The Dutch
" are under great apprehenſions, but for what reaſon, al-
" though they are ſaid to make an armament, time will beſt
" diſcover."

The Jeſuits of Fribourg made no ſcruple to ſhow this letter to ſeveral perſons, who taking copies of it, made it public in Switzerland, and at Geneva. Dr. Burnet ſays, he copied it T. I. p. 712.
omone in the hands of Monſ. Heidegger, a famous profeſſor at Zurich. One of the copies was ſent to Dickvelt, ambaſſador of the States-general in England, who ſpoke of it to the king. Whereupon the king deſired to ſee it, ſaying, he ſhould ſoon know whether it was genuine, or forged to render the Jeſuits odious. But though it was put into his hands, he ſpoke no more of it to Dickvelt.

The parliament, which, according to the laſt prorogation, was to meet the fifteenth of February, was farther prorogued to the 28th of April. Probably the king did not find things ripe

The parliament prorogued. Gazette N. 2206. Echard. III. p. 813.

James II. 1686-7.

ripe enough (as he desired) to be assured of the concurrence of the parliament in the execution of his designs. He chose rather to take another course, which to him seemed more short and easy, in establishing liberty of conscience by his own authority. He was, doubtless, persuaded, that it would be more easy to obtain the consent of the parliament to a thing already done, than the power to do it. But he thought proper to begin with Scotland, that the example of that kingdom might influence the English. For this purpose he sent a proclamation into Scotland for an entire liberty of conscience, with orders to the privy-council to publish it. In his opinion, this proclamation was more than capable to convince all his good subjects of his great moderation, and desire that all should live in quiet. He excluded, however, out of his favour, the Field-conventiclers, whom he recommended to his council to prosecute with all the severity of the laws. This proclamation contained in substance:

The king publishes in Scotland a declaration for liberty of conscience. Gazettes, N. 2221. Kennet, p. 446. Echard. III. p. 814. Burnet, p. 712.

"That his majesty being resolved to unite the hearts and affections of his subjects, to God in religion, to him in loyalty, and to their neighbours in Christian love and charity; he had therefore thought fit, by his sovereign authority, prerogative royal, and absolute power, which all his subjects were to obey without RESERVE, to give and grant his royal toleration, to the several professors of the Christian religion after named. First, He allows and tolerates the moderate Presbyterians, to meet in their private houses only; but it is his pleasure that Field-conventiclers be prosecuted according to the utmost severity of the laws. In like manner he tolerates Quakers to meet and exercise in their form, in any place or places appointed for their worship" Then the proclamation proceeds thus, "Considering the severe and cruel laws made against Roman Catholics (therein called Papists) in the minority of our royal grandfather, of glorious memory, without his consent, and contrary to the duty of good subjects, by his regents and other enemies to their lawful sovereign, our great-grand-mother queen Mary, of blessed and pious memory; wherein, under the pretence of religion, they cloathed the worst of treasons, factions, and usurpations; and made these laws, not against the enemies of God, but their own: which laws have still been continued of course, without design of executing them, or any of them, ad terrorem only, on supposition, that the Papists, relying on an external power, were incapable of duty and true allegiance to their natural sovereigns, and rightful monarchs: We

of

" of our certain knowledge and long experience, knowing James II.
" that the Catholics, as it is their principle to be good Chri- 1686-7.
" ſtians, ſo it is to be dutiful ſubjects; and that they have
" likewiſe, on all occaſions, ſhown themſelves good and
" faithful ſubjects to us, and our royal predeceſſors, &c.
" Do therefore, with the conſent of our privy-council, by
" our ſovereign authority, prerogative royal, and abſolute
" power, ſuſpend, ſtop, and diſable all laws or acts of par-
" liament, made or executed againſt any of our Roman Ca-
" tholic ſubjects, in any time paſt, to all intents and purpoſes,
" making void all prohibitions therein mentioned, pains or
" penalties therein ordained to be inflicted: ſo that they ſhall
" in all things be as free in all reſpects as any of our Prote-
" ſtant ſubjects whatſoever, not only to exerciſe their religion,
" but to enjoy all offices, benefices, and others, which we
" ſhall think fit to beſtow upon them in all time coming.
" ——And whereas the obedience of our ſubjects is due
" to us by their allegiance, and our ſovereignty; and that no
" law, difference in religion, or other impediment whatſo-
" ever, can exempt the ſubjects from their native obligations
" to the crown; and conſidering that ſome oaths are capable
" of being wreſted by men of ſiniſter intentions, a practice in
" that kingdom as fatal to religion as loyalty: We therefore
" caſs, annul, and diſcharge all oaths whatſoever, by which
" any of our ſubjects are incapacitated from holding places or
" offices in our ſaid kingdom, diſcharging the ſame to be ta-
" ken or given in any time coming, without our ſpecial war-
" rant and conſent; and we do ſtop, diſable and diſpenſe
" with all laws, injoining the ſaid oaths, teſts, or any of
" them, &c." Towards the concluſion, the king repeats former promiſes in theſe words:——" For the encou-
" ragement of our Proteſtant biſhops, and the regular clergy,
" and ſuch as have hitherto lived orderly, we think fit to de-
" clare, that it never was our principle, nor will we ever
" ſuffer violence to be offered to any man's conſcience, nor
" will we uſe force, or invincible neceſſity, againſt any man
" on the account of his perſwaſion, nor the Proteſtant religion;
" but will protect our biſhops and other miniſters, in their
" functions, rights, and properties, and all our Proteſtant
" ſubjects, in the free exerciſe of their Proteſtant religion in
" the churches."

Though this proclamation concerned only Scotland, I thought proper to inſert it here, becauſe it diſcovers clearly the king's intentions and principles, and conſequently, how he pretended to deal with his Engliſh ſubjects, though hitherto

James II. 1686-7. he ſtill kept within ſome bounds, with regard to that ſpiritual power, which England had not aſcribed to him in ſo extenſive a manner as Scotland.

1687. The council of Scotland blindly obeyed the king, not only by publiſhing his proclamation, but even by thanking him for it, as for a ſignal favour. This ought not to appear ſtrange, becauſe the council wholly conſiſted of men entirely devoted to the king, nor was there in Scotland any perſon in public office, who was not, or at leaſt pretended not, to be in the ſame principles. The parliament was compoſed in the ſame manner, and by acts paſſed, had obliged all the Scots to an unlimited obedience, ſo that no man could oppoſe the king's meaſures, under pain of high-treaſon. Accordingly, the council, in thanking the king for his proclamation, might boldly ſpeak for the whole kingdom: not that they were ignorant that it was not the general ſentiment of the nation, but becauſe they knew, no perſon would have the boldneſs to contradict it. It is not therefore to the whole Scotch nation, that this blind obedience is to be imputed, but to their governors, who were but a ſmall part of the people.

The council of Scotland publiſhes the king's proclamation. Gazettes, N. 2221. Kennet, p. 446.

The king publiſhes a like declaration in England. Gazettes. Kennet, p. 487. Echard. Burnet, p. 734.

The king, charmed with the ready compliance of the Scots, and conſidering it as a favourable precedent for England, ſummoned his council, and told them, "it was his intention to publiſh the like declaration in England. He grounded his reſolution on his obſerving, that the endeavours to eſtabliſh an uniformity in the four preceding reigns, had proved ineffectual, and been very prejudicial to the nation. That beſides, it was his opinion, as moſt ſuitable to the principles of Chriſtianity, 'That no man ſhould be perſecuted for conſcience ſake;' for he thought conſcience could not be forced." The council, compoſed like that of Scotland, approved of this reſolution, and magnified the king's indulgence to his ſubjects. The declaration for liberty of conſcience was therefore publiſhed the fourth of April. It was much the ſame with that publiſhed in Scotland, except that the king ſoftened his expreſſions concerning his abſolute power, and ſaid, "he made no doubt of the concurrence of his two houſes of parliament, when he ſhould think it convenient for them to meet." It was however manifeſt, from the frequent prorogations of this parliament, that he was far from being aſſured of their concurrence.

Very probably, there was not in the whole nation a ſingle perſon, who thought the king deſigned to favour or eaſe the Nonconformiſts. Every one clearly ſaw, that his aim in this declaration was to eſtabliſh the Popiſh religion, upon the ruins

ruins of the Proteſtant. For how could it be ſuppoſed, that James II. the king, from a violent perſecutor, ſhould at once become a friend to the Diſſenters? Or what aſſurance could there be, that his promiſes to the Nonconformiſts, would be better kept than thoſe he had made to the Church of England? Nevertheleſs the Nonconformiſts had hitherto been treated with ſo much rigour, that it is not ſtrange, they ſhould at firſt think themſelves happy in a deliverance from perſecution. For this reaſon, addreſſes of thanks, from the ſeveral ſects, were preſented to the king for his declaration. The Anabaptiſts led the way; the Quakers followed, and next came the Independents; and laſtly, the Preſbyterians. Some of theſe addreſſes, ſpeaking of the royal power, carried it to the higheſt degree, becauſe it was then advantagious to the Nonconformiſts to maintain the authority by which they were freed from their conſtraint. The Churchmen failed not to take notice of this change. But they could not juſtly blame an exceſs into which themſelves had fallen. The truth is, the two parties neither did then, nor yet do, follow on all occaſions, their own principles, with relation to the royal power, which they extend or contract, as the king is more or leſs favourable to them.

1687.

Is thanked for it by the Nonconformiſts. Gazettes. Kennet, p. 489. Echard. III. p. 817. Burnet, p. 714.

Be this as it will, the war then waged between the two parties was of no long continuance. They were quickly ſenſible, that the court aimed to revive their former animoſities, in order to weaken them both. The king, to ſucceed in this deſign, made the hardſhips and perſecutions which the Nonconformiſts had ſuffered from the Church of England, the topic of his diſcourſe in his common converſations. No greater pleaſure could be done him, than to entertain him with the particulars of thoſe oppreſſions. To give the Church of England a ſtill more ſenſible mortification, he ordered the proceſſes in the eccleſiaſtical court againſt the Diſſenters to be reviewed. But the Preſbyterians who were moſt concerned, were ſo wiſe as not to improve ſo favourable an occaſion to mortify their enemies. On the other hand, though ſome paſſionate men amongſt the Diſſenters, publiſhed virulent invectives againſt the church, to retaliate their ill uſage, the Epiſcopalians unanimouſly reſolved not to anſwer them, for fear of widening the breach between the two parties, at a time when their union was more than ever neceſſary. It cannot be denied, that herein their moderation and prudence were exemplary. In general, it may be affirmed, that if ſome of the Nonconformiſts, whether Preſbyterians or others, ſuffered

The king deſirous to diſunite the Proteſtants, Kennet, p. 490. Burnet, p. 701, 719.

is miſtaken in his aim, and only puts them more upon their guard.

James II. 1687.

themſelves to be tranſported by their paſſion and inſults upon the Church of England, they were men of no note. The moſt ſenſible, and thoſe who had moſt credit in their party, obſerved a great moderation. The Epiſcopalians, on their ſide, did all that lay in their power to eſtabliſh a union, ſolely capable of ſupporting them both. Writings were publiſhed from time to time, in which the Churchmen acknowledged their error in driving the Preſbyterians to extremities, that they were not ſufficiently aware of the artifices of the court, and promiſed to have for them great complaiſance, in caſe affairs were reſtored upon a good footing. They are accuſed of having been no leſs forgetful of their promiſe, than of that made when the reſtoration of Charles II. was contracting. But this concerns the following reign.

Their common labours for an union. Kennet. p. 490. Burnet. p. 715, 716.

If there were Nonconformiſts who thought themſelves obliged to expreſs their gratitude for the king's declaration, by flattering addreſſes, there were likewiſe biſhops who, with much leſs foundation, prevailed with their clergy to ſend addreſſes of thanks to the king, as for a ſignal favour to the Church of England. Of this number were Crew biſhop of Durham, Barlow of Lincoln, Cartwright of Cheſter, Wood of Lichfield, and Watſon of St. David's. As for Parker biſhop of Oxford he was not ſo ſucceſsful, ſince he could find but one clergyman in his whole dioceſe, who would ſign ſuch an addreſs. It may eaſily be imagined that, had the king's project ſucceeded, theſe biſhops would not have been the laſt to embrace the Popiſh religion.

Some biſhops go into the deſigns of the court. Gazettes, No. 2243, 2246, &c. Echard. III. p. 821. Kennet.

The ſteps already made by the king for the intereſt of the Popiſh religion, were not thought ſufficient by thoſe who aſpired to greater advantages. Hitherto the Papiſts had not been able to procure any preferments in either of the univerſities, and yet they were paſſionately deſirous to ſet up there maſters and profeſſors of their own religion, in order to become in time heads of ſome of the colleges. It had been propoſed to the king to found a college in each univerſity. But, whether the expence diſcouraged him, or whatever was the reaſon, it was thought more proper to introduce Papiſts into the colleges already founded. The deſign was begun at Cambridge, where Dr. John Peachell the vice-chancellor received a letter from the king, commanding the univerſity to admit to the degree of maſter of arts, Alban Francis, a Benedictine monk, without adminiſtring any oath whatſoever, notwithſtanding any ſtatute or law to the contrary, which the king was pleaſed to diſpenſe with in favour of the ſaid Alban Francis. The vice-chancellor having communicated this letter to the

An order to the univerſity of Cambridge to admit a Benedictine monk to the degree of maſter of arts. State Trials. IV. p. 250. Burnet. Kennet.

Feb. 6.

the congregation of regents and non-regents, it was unanimouſly agreed by the members, not to admit Francis, till the king had been petitioned to revoke the mandate. For this purpoſe, they applied to Chriſtopher Monk, duke of Albemarle, their chancellor, praying his interceſſion with the king; to which he returned for anſwer, "That he had "tried, but to no effect." Upon this anſwer, the univerſity ſent deputies to London, who were to apply to the earl of Sunderland; but he refuſed to hear them. Shortly after the king ſent a ſecond letter to the univerſity, the ſame in ſubſtance with the former, with this addition, "To do it at "their peril." As the univerſity continued to ſtand their ground, a ſummons was ſent from the new eccleſiaſtical commiſſioners, commanding the vice-chancellor to appear in perſon before them and the congregation, by themſelves, or their deputies. In ſhort, by ſentence of the court, the vice-chancellor was deprived of his office; but Francis was not admitted. This was the firſt avowed attempt to introduce Papiſts into the univerſity. I ſay avowed, for ſome might have been received under the pretence of being Proteſtants. But ſoon after, Magdalen college in Oxford, the richeſt in revenue (a), had a more terrible ſtorm to incounter.

James II. 1687. Feb. 21. rejected. Feb. 24. April 9. The vice-chancellor deprived. May 7.

The preſidentſhip of that college being vacant the 31ſt of March, by the death of Dr. Clark, the vice-preſident gave notice for a new election the 13th of April. But before that day, the members of the college were informed, that the king had granted a particular mandate in favour of Anthony Farmer, a man of ill reputation, who had promiſed to declare himſelf a Papiſt. Whereupon they preſented a petition to the king, praying him, either to leave them to the choice of their preſident, according to their founder's ſtatutes, or to recommend a perſon who might be more ſerviceable to his majeſty and the college. The anſwer received from the earl of Sunderland, was, "That the king muſt be obeyed." Immediately after, the king's mandate was delivered to Robert Charnock (b), a new convert and fellow of the college. This mandate being read in the preſence of all the fellows, it was reſolved to keep to the day appointed for the election

The affair of Magdalen college in Oxford. State Trials. IV. p. 258. Welwood. Burnet. Kennet. p. 502. April 9. April 11.

(a) Though the certain rents of it are but about four or five thouſand pounds a year, yet it is thought the improved value of the eſtate belonging to it is about forty thouſand pounds. Burnet p. 697.

(b) The ſame who was executed in the reign of king William, for being in a plot for the aſſaſſination of that prince. Rapin.

(c),

James II. 1687. (c), on which day Dr. Hough was cho[illegible]. The new preſident was preſented to the viſitor, the biſhop of Wincheſter, who ſwore and admitted him to his office.

April 15, 16. State Trials. IV. p. 261. The king was extremely provoked with this election, and notwithſtanding the interpoſition of the duke of Ormond, chancellor of the univerſity, the vice-preſident and fellows were cited to appear before the eccleſiaſtical commiſſioners at Whitehall. Accordingly, the 6th of June the fellows, deputed by the ſociety, appeared before the commiſſioners, and to the queſtion, "Why they refuſed to obey the king's "mandate?" they produced their ſtatutes, and the oaths they had taken for the obſervation of them. To which ſtatutes

p. 262. Farmer could have no pretenſion. They were ordered to attend again the 22d of the month, on which day they gave in ſo many allegations againſt Farmer, (who beſides was unqualified by the ſtatutes) that the commiſſioners were

p. 264. aſhamed of him. But as it was the king's cauſe they were

June 22. maintaining, they deprived Dr. Hough of his preſidentſhip, and ſuſpended the vice-preſident and one of the fellows (d). The king being informed of the allegations againſt Farmer,

Aug. 14. thought fit to drop his firſt mandate, and granted a ſecond in favour of Dr. Parker biſhop of Oxford.

The fellows of the college finding him no better qualified than Farmer, refuſed to obey the new mandate. This ſo incenſed the king, that he went himſelf to Oxford, bent at any rate to overcome their obſtinacy. He ordered them

Sept. 4. to attend him at Chriſt-Church, and ſpoke to them in term

p. 265. capable of intimidating men of leſs firmneſs and reſolution. He commanded them to be gone, and to admit the biſhop of Oxford their preſident, letting them know, that otherwiſe "they ſhould feel the weight of his hand." But inſtead of obeying, they offered a petition in vindication of their proceedings; but the king would not receive it. At laſt, after all his menaces, he was forced to leave Oxford, without gaining his point. Shortly after, the king appointed a com-

Nov. 21. miſſion to viſit the college, namely, Cartwright, biſhop of

p. 269. Cheſter, Sir Robert Wright, chief-juſtice of the King's-Bench, and Sir Thomas Jenner, a baron of the Exchequer. Theſe commiſſioners treated the fellows very uncivilly, abſtaining not even from ſcurrilous and abuſive language. At laſt, ſeeing it was not poſſible to overcome them, they

(c) The election was put off to April the 15th. See State-Trials, Tom. IV. p. 259.

(d) Dr. Aldworth, the vice-preſident, and Dr. Fairfax.

found

found an expedient to save in some measure the king's honour, by an ambiguous declaration, to which the fellows were willing to submit. But this satisfied not the king, who, the commissioners said, expected some farther submission, which they advised them to make, "by acknowledging their contempt to his sacred majesty in person, and "to his letters; that they should promise to behave themselves loyally for the future; that they should own the "proceedings and legality of the court, implore his majesty's pardon, and lay themselves at his feet; and that "they should declare their entire submission to the bishop of "Oxford as their president." Of twenty-seven fellows, only Charnock and another (e) offered to sign this submission. At last, the commissioners, impowered by the king, deprived the twenty-five (who refused to subscribe the declaration) of their fellowships, and expelled them from the college, for disobedience to the king's commands. They all protested against the sentence, declaring, "They would "use all just and legal ways of being relieved." The sentence, however, was confirmed by the ecclesiastical commissioners, and aggravated, by declaring the president and fellows incapable of being admitted to any ecclesiastical dignity or benefice. The president refused to put the bishop of Oxford in possession of his lodgings, which were therefore broke open. The college was filled with Papists, and Charnock was made vice-president. Though this affair held from the beginning of June, to the end of October, I was willing, in order to avoid repetition, to finish the narrative at once.

James II. 1687. p. 277.

The fellows expelled. Nov. 16. p. 278.

The king discovered on all occasions his extraordinary zeal for the advancement of his religion; but chiefly in the disposal of all places and offices in his gift. For some time, he had scarce preferred any, but those who were willing to purchase his favour by changing their religion, and often displaced those who testified a zeal for the Protestant religion, without regard to past services or old offences. Many of those who had been most active for the bill of exclusion, were caressed and courted, provided they would embrace the king's religion; as for instance, the earl of Sunderland. But an adherence to the Protestant religion, was a sufficient cause to remove those who had done him the most important services on the same occasion; witness his brothers-in-law the earls of Clarendon and Rochester. Charles Talbot,

The king earnest to make converts. Gives all places to Papists. Echard. III. p. 828.

(e) Dr. Thomas Smith. See State-Trials, Tom. IV. p. 277.

earl

James II. 1687.

earl of Shrewſbury, who ſome years before had turned Proteſtant, loſt his regiment of horſe, for refuſing to turn to Popery. The lords-lieutenants of counties were almoſt all Papiſts. As for the judges, ſome were Papiſts, and the reſt, though Proteſtants, were ready to obey all the king's commands. If any of them proved too ſcrupulous, they were immediately diſplaced, for others more compliant. Theſe mercenary judges, when they went their circuits, received orders from the chancellor, to uſe all their authority for confirming the right aſſumed by the king of diſpenſing with the laws, and to diſcourage, as much as poſſible, thoſe whom they ſhould not find diſpoſed to ſubmiſſion. Theſe orders were executed with great rigour and inſolence.

The judges are his tools. Kennet. p. 491.

Every one plainly ſaw the tendency of theſe proceedings, for the king was open and undiſguiſed. Nevertheleſs, there were even among the lawyers themſelves, ſome that affected to approve of all his actions, and by their addreſſes, to encourage him to proceed. To ſhow the exceſſive flattery of theſe men, I ſhall here inſert an addreſs preſented to the king on the 11th of June, by the ſociety of the Middle-Temple.

"May it pleaſe your majeſty,

The addreſs from the Middle-Temple. Gazettes, No. 2250. Echard. III. p. 828.

"WE, your majeſty's dutiful ſubjects, to our great "joy, have received a happy occaſion of making "this declaration of our gratitude: and as we know that "your majeſty's goodneſs is the greateſt that ever was ſhown "by a prince to his ſubjects, ſo we wiſh the voice of men "and angels, to return ſufficient thanks for your majeſty's "condeſcenſion and clemency to all your ſubjects, in your "gracious declaration for a toleration. And as for this "compaſſion and goodneſs, thanks ought to be paid your "majeſty by all your ſubjects; ſo we eſpecially of the pro-"feſſion of the law, have moſt reaſon to be thankful for the "honour you have done us, by aſſerting your own royal "prerogatives, which is the very life of the law, and our "profeſſion. Which prerogatives, as they were given by "God himſelf, ſo we declare, That no power upon earth "can diminiſh them, but they muſt always remain entire "and inſeparable to your royal perſon. Which preroga-"tives, as we have ſtudied to know them, ſo we are re-"ſolved to defend them, by aſſerting with our lives and "fortunes that divine maxim, A Deo Rex, A Rege Lex. "And now as a teſtimony of our perfect ſatisfaction in this

"our

" our addreſs and acknowledgement, we have ſubſcribed James II.
" our names, that your majeſty may know us to be yours; 1687.
" and that the reſt of our profeſſion may follow our example:
" and therefore we beg your majeſty will accept this addreſs
" from us, who in concluſion make bold to offer our beſt
" wiſhes, and hearty deſires, that your majeſty's councils
" may proſper in wiſdom, your kingdoms flouriſh in peace,
" and your royal perſon enjoy a long, happy, and glorious
" reign over us."

The king farther prorogues the parliament.

With all this, the king was diſappointed in an affair which he earneſtly laboured, and that was the gaining the parliament to approve of the power claimed by him of diſpenſing with the laws. The parliament ſhould have met the 28th of April, and it was expected accordingly. But the king, not finding things ſo ripe as he deſired, had prorogued it to the 22d of November. Some days before this prorogation a pamphlet had been diſperſed in London, tending to give the parliament a diſadvantagious idea of the king, in the ſuppoſition that they were going to ſit. Here is a ſhort extract of this pamphet, which was aſcribed to Dr. Burnet, then in Holland. Kennet. P. 494. Echard. III. p. 829.

A libel againſt the king.

" Our king has given ſuch teſtimonies of his zeal for his
" religion, that we ſee among all his other royal qualities,
" there is none for which he deſires and deſerves to be ſo
" much admired, ſince even the paſſion of glory, of ma-
" king himſelf the terror of all Europe, and arbiter of
" Chriſtendom, (which as it is natural to all princes, ſo
" muſt it be moſt particularly ſo to one of his martial and
" noble temper) yields to his zeal for his church; and
" that he, in whom we might have hoped to ſee our Ed-
" ward the third, our Henry the fifth revived, chuſes rather
" to merit the heightening his degree of glory in another
" world, than to acquire all the conqueſts that this low
" and vile world can give him: and that, inſtead of making
" himſelf a terror to his neighbours, he is contented with
" the humble glory of being a terror to his own people; ſo
" that inſtead of the great figure this reign might make in
" the world, all the news of England is now only concern-
" ing the practices on ſome fearful mercenaries."

The king cloſets ſeveral members of parliament to gain them. Welwood,

In the mean time, the king continued to take infinite pains to gain the members of parliament. He cloſetted, one by one, all that were in London, and repreſented to them what he thought capable to convince them of the neceſſity to aboliſh the penal laws, for the good of the kingdom,

James II. 1687. dom, and inforced his arguments with menaces and promiſes. It is not improbable, but ſome might be gained, but he could never be aſſured of a majority of voices. This determined him at laſt to diſſolve the parliament, by proclamation the 2d of July.

And at laſt diſſolves the parliament.

The members of laſt parliament vindicated from an Accuſation.

When the firmneſs of the members of this parliament, as ſoon as they believed the intereſts of religion were at ſtake, is compared with their extreme zeal for the king in the beginning of their ſeſſion, it muſt be inferred, that their compliance was owing purely to their miſtake in their good opinion of the king, and that their firmneſs proceeded from their being at laſt undeceived. They are therefore unjuſtly accuſed of intending to ſacrifice to the king, the intereſt of religion and their country. They demonſtrated the contrary in reſiſting the temptations the king laid before them, even in his preſence, and face to face. This, in my opinion, is the higheſt degree to which firmneſs can be carried. They were all, or almoſt all, members of the Church of England; nay, for the moſt part, High-Churchmen. I have before given the reaſon of their exceſſive zeal and condeſcenſion for the king, and therefore need not repeat it. But when they diſcovered that the point was not to curb the Diſſenters, but that the king's deſigns concerned the Proteſtant religion, without any diſtinction of ſects, they evidently ſhowed, that they were as good Proteſtants, as thoſe who accuſed them of being Papiſts, or Popiſhly inclined. This truth will ſtill more plainly appear, in the firm and unſhaken courage of the Church of England, on the moſt important occaſion that ever was.

Quo warrantos iſſued out againſt divers corporations. Kennet. p. 495. Echard, III. p. 830.

After the parliament was diſſolved, the king's grand affair was to have a new one entirely at his devotion. But he would not call one, till he was aſſured of having ſuch members returned, as he ſhould think proper. For this purpoſe, quo warrantos were iſſued againſt ſeveral corporations, to the end, that when they were deprived of their charters, the king might grant ſuch new ones, as ſhould render him maſter of the elections. It may be imagined, that as the courts of juſtice were diſpoſed, the corporations could not but be deprived of their charters, and for obtaining new ones were obliged to comply with the king's deſires. This was one of the methods uſed by the king, to diſpoſe the people to elect ſuch members as would promote the deſign of abrogating the penal laws and teſt. It would be too tedious and difficult to relate all the king's ſecret methods, the emiſſaries he ſent into the counties and corporations, the inſtructions

The king's practices to obtain a favourable parliament. Burnet. p. 727, 728. Gazettes, N. 2302.

ſtructions he gave them to gain the people, the arguments, promiſes, and menaces they uſed. All that can be ſaid in general is, that nothing was forgot which he thought would contribute to the procuring a favourable parliament. To this end, magiſtrates and lord-lieutenants were diſplaced, but chiefly, particular men were cloſetted to engage them in the king's meaſures. It was alſo with this view that he made a progreſs through ſeveral counties, and ſtopped at the cities and great towns, to careſs or intimidate the people. But he every where met with ſuch coldneſs, or rather averſion to his deſigns, that he durſt not venture to call a parliament. As the people were convinced, that the king's deſign, with whatever pretence he diſguiſed it, was to deprive them of their liberty, and change the eſtabliſhed religion, they would not be the inſtruments of their own ruin. The affair of Magdalen college, which was in agitation during the king's progreſs, greatly contributed to open the eyes of the moſt blind, and exaſperate the nation. The king would have a parliament, which ſhould conſent to the abrogation of the penal laws and teſt, or grant him a power of diſpenſing with them, at a time when his whole conduct diſcovered a ſettled deſign of planting the Popiſh upon the ruins of the Proteſtant religion. Beſides, it was manifeſt he did not aſk this power as a favour, but inſiſted upon is as a right, which he had already aſſumed, without the concurrence of the parliament. James II. 1687.

At laſt, the king ſhowed ſo open a contempt of the law, that no perſon could miſtake him. After ſending, as we have ſeen, a ſolemn embaſſy to Rome, he would have a nuntio in ordinary reſiding at his own court. The pope had, the laſt year, nominated for this employment, Ferdinando Dadda, domeſtic prelate to his holineſs, who had been about the king ever ſince his acceſſion to the crown, and was the queen's great favourite. He had been received as nuntio, but privately, and without the people's knowledge. But now the king having entirely pulled off the maſk, was for honouring him with a public reception; though to aſſume the character of the pope's nuntio was high-treaſon. To give more luſtre to the nuntio, he was firſt conſecrated archbiſhop of Amaſia in the royal chapel, after which, on the 3d of July, he made his public entry at Windſor, with great pomp and magnificence. It was a very ſurprizing ſpectacle to Proteſtants, to ſee a nuntio from the pope in his pontificalibus, preceded by a croſs-bearer and a train of prieſts and monks, in the habits of their reſpective orders. Mean while,

The public entry of the pope's nuntio at Windſor. Kennet, p. 494. Burnet, p. 716. Echard, III. p. 839. Welwood.

James II. 1687. while, on this very occaſion, the king received an unexpected mortification; for having ordered Charles Seymour, duke of Somerſet, to attend the nuntio to his audience, he deſired his majeſty to excuſe him from an office which the laws of the land made criminal. This ſo incenſed the king, that he removed him from his places of gentleman of the bedchamber, and colonel of dragoons. Henry Fitz-roy, duke of Grafton, leſs ſcrupulous, accepted the office refuſed by the duke of Somerſet. Some have believed, that Dadda was one of the king's principal counſellors in affairs of religion. But it is not likely he would act ſo contrary to the ſentiments of the pope, who by no means approved the king's conduct. The ſame thing cannot be ſaid of father Petre, or Peters, the king's confeſſor, who was the firſt mover of all the engines to advance the progreſs of Popery. He was publickly received into the council the 11th of November, contrary to the opinion of the moſt eminent Papiſts, who juſtly feared the king's affairs would thereby be very much prejudiced.

Father Petre received into the council. Gazettes. Burnet.

Though the king had given convincing proofs of his averſion to the Proteſtant religion, he favourably received the French Proteſtants, who took ſanctuary in England on account of the rigours exerciſed againſt them in France. He not only granted them his protection, but alſo large ſums, beſides his licence to encourage a public collection. Some aſcribe this to policy, in order to intimate to the Engliſh, how little ground they had to fear ſuch treatment in England, from a king, who was ſo charitably compaſſionate to the misfortunes of foreigners, perſecuted in their own country. But as the king himſelf did not diſcover the motives of this conduct, they can only be conjectured. Thus much is certain, the French preachers thought themſelves under ſuch obligations to the king, that they were amongſt the moſt forward to diſplay his virtues in their ſermons, whenever an occaſion offered. I myſelf remember to have heard a preacher in the church of the Savoy launch out into the profaneſt flattery (f).

The king receives favourably the diſtreſſed Proteſtants from France. Kennet. p. 499. Echard. III. p. 840.

George Villiers, duke of Buckingham, who now made a contemptible figure, died this year in Yorkſhire, juſt as he had lived, that is, without any ſenſe of religion. This ſame year death likewiſe ſeized the famous Sir William Petty,

Death of the duke of Buckingham. April 16.

(f) It is thought, that the king's favours to the French refugees, were chiefly to engage them to eſpouſe and abet the king's power of diſpenſing with all penal laws in religion. See Kennet, p. 499. Note (a).

phy-

physician and fellow of the Royal Society, after having published several useful and valuable writings. James II. 1687.

I am now come to the year 1688, a critical year to England, the first half of which portended to the English the loss of their religion and liberties. James II had promoted his great work in the three years he had been on the throne, with a surprising rapidity and success. He had invested himself with an absolute power, that hardly suffered any contradiction. The laws of the land were openly violated. The privy-council was almost wholly Popish, and under the direction of a Jesuit. The most considerable places in the court and kingdom were possessed by men of the same religion. The test and penal laws were insufficient fences to secure religion, for which they were intended. In a word, the king was resolved to complete his work at all events, and an army of fifteen thousand men, encamped within a few miles of London, besides the assistance of France, seemed to promise him success. But what was more extraordinary was, that Protestant corporations, when their religion was so violently attacked, sent their addresses of thanks to the king, as for a great favour, publickly promising to chuse such members for the ensuing parliament, as should concur with his measures. All this gave just occasion to fear, that no remedy could possibly be found for the miseries of the nation, which daily increased. The only refuge which seemed to be left, was the princess of Orange, presumptive heir of the crown, who, like another Elizabeth, would restore things to their former state, when she should ascend the throne. But, besides that the king, who was but in his fifty-fifth year, might yet live a great while, an astonishing proclamation, published the 2d of January, to notify the queen's being with child, and to order public thanksgiving to God, entirely destroyed the hopes which had been entertained.

1688. The king pushes his designs. Echard. III. p. 842.

The queen with child. Gazettes, No. 2309. Kennet. p. 496. Echard. III. p. 843.

The Papists were transported with this agreeable news. Some even began to debate the question, whether a daughter born since the king's advancement to the throne, ought not to take place before the princess of Orange, born while he was duke of York? But this question was very needless. Every one was persuaded, the Papists through hope, and the Protestants through fear, that the queen would be delivered of a prince. It is very certain, the Protestants from this time began to form suspicions about the queen's pregnancy. This appeared in several pamphlets, dispersed thro' London, some of which were even dropped in Whitehall.

Suspicions thereupon.

James II. 1688.

Hitherto, the ſole foundation of the ſuſpicion, that the queen's pregnancy was a cheat, conſiſted in her having been ſo many years childleſs. But this foundation was too weak to prove the certainty of an impoſture. It was not impoſſible for the queen to be with child; but on the other hand, neither was it impoſſible that the queen ſhould be willing to ſuppoſe an heir. The extreme zeal of the king and queen, and of moſt of their counſellors and confidents, for their religion, rendered ſuch a ſuſpicion plauſible to the Proteſtants. Hiſtories have recorded inſtances of the like impoſtures, as in Spain, and in England itſelf, where it is pretended, that queen Mary, to deprive her ſiſter Elizabeth of the ſucceſſion, would have ſuppoſed an heir, had not her huſband king Philip prevented it. For this reaſon, the ſtory of queen Mary's ſham-conception, as delivered by Fox, was reprinted and diſperſed thro' the kingdom, with this title, "Idem "Iterum, or queen Mary's Big-Belly." Another cauſe which contributed greatly to corroborate this ſuſpicion, was the indiſcretion of ſome Jeſuits, who publiſhed that ſhe would certainly be delivered of a prince. They pretended, that this conception was miraculous, and the effect of a ſolemn petition, which the late deceaſed ducheſs of Modena had put up in Heaven to the bleſſed Virgin Mary, or of a vow the queen had made to our Lady of Loretto, with the preſent of a golden image inriched with precious ſtones. As on pretence that the queen had been ſeveral years childleſs, her pregnancy could not be deemed ſupernatural, there was no neceſſity to aſcribe it to a miracle, of which there could be no certainty. So this needleſs precaution ſerved only to confirm the ſuſpicion.

Kennet. p. 497. Echard. III. p. 843.

A miracle pretended.

The king congratulated by numerous addreſſes. Gazettes, No. 2311. &c. Echard. III. p. 844.

The queen's pregnancy produced many congratulatory addreſſes. Some of theſe carried their compliments and flattery to the laſt exceſs. This is no wonder. Moſt of the lords-lieutenants, juſtices, and magiſtrates of the towns, being devoted to the king, it was not difficult for them to perſuade the corporations, that theſe congratulations to the king were the juſt tribute of their duty. This being once inculcated, they drew up the addreſſes themſelves, and procured ſuch ſubſcriptions as they thought proper, thereby cauſing the corporations to ſay what they pleaſed. Were addreſſes to be conſidered, as containing the real ſentiments of the people, it might be ſaid, that all the Engliſh nation was tranſported with joy, through the hopes of a Popiſh ſucceſſor. But the nation ſoon diſcovered directly oppoſite ſentiments. Beſides, it appears, the king did not rely on this

this general concurrence of his ſubjects, ſince he dared not to call a parliament, whoſe approbation and compliance were the great object of his deſires. James II. 1688.

Beſides the forementioned methods, which the king uſed to advance the Popiſh religion, there was ſtill another from which he promiſed himſelf great ſucceſs. Some time ſince, the Romiſh prieſts and Jeſuits had printed and diſperſed a great number of controverſial writings, which had been anſwered by Tillotſon, Tenniſon, Stillingfleet, Sherlock, and others, in a manner which in all appearance was not agreeable to the Papiſts. The king fearing, without doubt, that his doctors would not be a match for the champions of the church of England, publiſhed a proclamation, grounded upon a ſtatute made the 14th of Charles II, "prohibiting "the printing and ſelling all unlicenſed and treaſonable books "and pamphlets, under the pains and penalties provided by "the ſaid act." Under this name were comprehended the controverſial books publiſhed by the Proteſtants, on a pretence, that they encouraged and fomented animoſities amongſt his ſubjects (a).

Books of controverſy publiſhed. Echard, III. p. 845.

Feb. 10. Gazettes, No. 2321. Forbidden by the king.

The king's grand deſign, as has been ſeen, was to repeal the teſt and penal laws, and for that purpoſe he wiſhed to have a parliament at his devotion. He had already abrogated theſe laws by his own authority, but he daily found, that this did not ſuffice to lead his ſubjects to the degree of compliance he deſired. He thought therefore, if the conſent of the prince and princeſs of Orange could be obtained, it would be a great ſtep towards obtaining the ſame thing of the parliament. To that end, he reſolved to ſound the inclinations of the prince of Orange, without his appearing in it. He employed Mr. James Stewart (b), penſionary Fagel's acquaintance, who writ to that miniſter, endeavouring to perſuade him, that it was the intereſt of England, and of the prince and princeſs of Orange, that the teſt ſhould be abrogated, and the laws againſt the Catholics repealed. This letter coming only from a private man, the prince would not allow Mr. Fagel to return an anſwer. Mr. Stewart in vain renewed his inſtances for an anſwer, till at

Letters between Meſſ. Stewart and Fagel relating to the teſt. Burnet, p. 731. Welwood, p. 190. Kennet, p. 491. Echard, III. p. 845.

(a) About this time it was, that in order to retain the poorer ſort of people from letting their children be enticed into the Popiſh ſchools and ſeminaries erected in and about London, charity-ſchools began to be ſet up in that great and noble city. The firſt ſchools of this kind were opened at Norton-Folgate, and St. Margaret's Weſtminſter, on Lady-Day, 1688. Kennet, p. 508.

(b) A Scottiſh lawyer, whom king James had pardoned, and received into favour, after a long exile. Kennet, p. 491. Burnet, p. 731.

James II. 1688. laſt, he was obliged to acquaint Mr. Fagel, that his firſt letter was writ by the king's direction, who deſired to have the opinion of the prince and princeſs upon the affair. This, joined to the falſe report propagated in London, that the prince and princeſs of Orange had given their conſent to the abrogation of the teſt and penal laws, forced Mr. Fagel at laſt to anſwer Mr. Stewart, and let him know the ſentiments of the prince and princeſs of Orange.

The letters of theſe gentlemen have made ſo much noiſe in the world, and are ſo univerſally known, that I do not think it neceſſary to inſert them. I ſhall content myſelf with briefly refreſhing the reader's memory with the ſubſtance of Mr. Fagel's anſwer. He told Mr. Stewart, "That it was "the opinion of the prince and princeſs, that no Chriſtian "ought to be puniſhed for his conſcience, or ill uſed be- "cauſe he differed from the eſtabliſhed religion, and therefore "could conſent, that the Roman Catholics ſhould enjoy a "full liberty of conſcience. That as to the Nonconformiſts, "their highneſſes did not only conſent, but heartily ap- "proved of their having an entire liberty of conſcience, for "the exerciſe of their religion, without any trouble, hin- "drance, or moleſtation on that ſcore. ——— But their "highneſſes could not by any means agree to the repeal "of the teſt, and thoſe other penal laws, that tended to the "ſecurity of the Proteſtant religion, ſince the Roman Ca- "tholics received no other prejudice from theſe, than their "being excluded from parliament and public employments; "and that by them the Proteſtant religion is ſheltered from "all the deſigns of the Roman Catholics againſt it, or againſt "the public ſafety."

This anſwer was ſupported with reaſons ſo clear and ſolid, that Mr. Stewart finding himſelf too weak for ſuch an adver- ſary, thought it more adviſeable to deny all correſpondence with Mr. Fagel on this ſubject, in order to deſtroy the authority of Mr Fagel's anſwer, which had been printed and diſperſed through England and all Europe. The penſionary, pro- voked at this proceeding, ſent a letter to the Marquis of Albyville, the Engliſh ambaſſador at the Hague, wherein he called him to witneſs, that the prince and princeſs of Orange had declared their thoughts to him concerning the penal laws, in the ſame manner as he had repreſented them; and that Albyville had acquainted the king with it long be- fore he wrote his letter. He complained of the earl of Sun- derland, for having aſſigned an allowance to print a pam- phlet

Burnet. Kennet. p. 492.

phlet (c), which asserted, that the answer of Mr. Fagel to Mr. Stewart was suppositious, though he himself had seen the original, and knew that the king had also seen it. This last letter was likewise printed in French and English, and dispersed. All this was extremely injurious to the king, and began to give the English hopes, that the prince and princess of Orange would not abandon them in their pressing necessities. It must be observed, that Mr. Fagel's letter to Mr. Stewart was writ on November the 4th, the last year before the queen's pregnancy was divulged. But this affair became not public, till the beginning of the year 1688. James II. 1688. Echard. III. p. 790.

The refusal of the prince and princess of Orange to consent to the abrogation of the test and penal laws, served only to inflame the king's zeal, and oblige him to use fresh endeavours to have a parliament at his devotion. He sent therefore emissaries into the several counties, to try to secure the elections, before he ventured to call a parliament. But the more sollicitous he was to gain this point, the less inclination he found in the people, who, on so important an occasion, were unwilling to trust their interests with men devoted to the court, as the king desired. Wherefore the king, foreseeing all his artifices would prove unsuccessful, and that he should at last be obliged to use force, gave out commissions for raising new troops, for the increasing of his standing army; and likewise caused a larger fleet to be equipped. The new commissions were almost all given to Irish and Popish officers. The king earnest to have a parliament devoted to him. Kennet. p. 495. Echard. III. p. 850. Increases his army and fleet. Kennet. p. 497.

Moreover, he wrote, the 17th of January, to the States-General, to demand the six English and Scotch regiments that were in their service. The 2d of March he issued out a proclamation, "Forbidding his natural born subjects to "enter or list themselves in the service of any foreign prince "or state, either by sea or land." Sends for his troops out of Holland; Gazettes, No. 2326.

The States did not think proper to send these regiments to the king in the present juncture. They returned a civil answer, and declared, That having examined their engagements, they could find no agreement or capitulation that could oblige them to grant his majesty's demands, except when he was in war with some of his neighbours, or there was an insurrection at home. That they had accordingly sent the six regiments into England in the year 1685, at the time of the duke of Monmouth's rebellion. But that now the king being in peace with his neighbours, and free from which are refused by the States. Burnet. p. 734. Echard. III. p. 851

(c) Intitled, "Parliamentum Pacificum; or, the happy union of "king and people in a healing parliament." Kennet, p. 492.

James II. 1688. disturbances at home, they saw no reason that could oblige them to send back those troops. The king, not satisfied with this answer, renewed his instances. But the States, in showing how these regiments were formed, and the treaties which had been made about them, insisted, that they were obliged to send them back only in the two cases above-mentioned, and that the king was not at present in either. At last, after a third fruitless attempt, the king, by a proclamation, called home all his subjects which were in the service of the States-General. Whereupon, the prince of Orange offered passes to all the officers of the six regiments that were willing to return home, which about forty of them accepted.

March 14. Gazettes. No. 2330.

Though the king had published last year a declaration, for an entire liberty of conscience to all his subjects, and, by virtue thereof, had filled almost all the offices with Catholics, he thought fit to publish a second upon the same subject, the 27th of April this year. Perhaps he had a mind to show, that though he was desirous of having what he had done, confirmed by parliament, he could, however, proceed without their concurrence, and act by absolute power. Perhaps too, he intended to bring things to a crisis, being incessantly pushed by his Popish counsellors, who were for improving the occasion offered them by the king's zeal. The declaration was as follows:

Gazettes, No. 2342. Kennet. p. 508. Echard. III. p. 856.

" James Rex,

A second declaration for liberty of conscience.

" OUR conduct has been such in all time, as ought to have persuaded the world, that we are firm and constant to our resolutions; yet that easy people may not be abused by the malice of crafty wicked men, we think fit to declare, that our intentions are not changed since the 4th of April 1687, when we issued out our declaration for liberty of conscience, in the following terms:" (Here the declaration was recited verbatim, and then it follows) " Ever since we granted this indulgence, we have made it our principal care to see it preserved without distinction, as we are encouraged to do daily by multitudes of addresses, and many other assurances we receive from our subjects of all persuasions, as testimonies of their satisfaction and duty; the effects of which we doubt not but the next parliament will plainly show; and that it will not be in vain, that we have resolved to use our uttermost endeavours to establish liberty of conscience, on such just and equal foundations, as will render it unalterable, and secure to all people the free

" free exercise of their religion for ever; by which future ages may reap the benefit, of what is so undoubtedly for the general good of the whole kingdom. It is such a security we desire, without the burthen and constraint of oaths and tests, which have been unhappily made by some governments, but could never support any: nor should men be advanced by such means to offices and employments, which ought to be the reward of services, fidelity and merit. We must conclude, that not only good Christians will join in this, but whoever is concerned for the increase of the wealth and power of the nation. It would, perhaps, prejudice some of our neighbours, who might lose part of those vast advantages they now enjoy, if liberty of conscience were settled in these kingdoms, which are, above all others, most capable of improvements, and of commanding the trade of the world. In pursuance of this great work, we have been forced to make many changes both of civil and military officers throughout our dominions, not thinking any ought to be employed in our service, who will not contribute towards establishing the peace and greatness of their country, which we most earnestly desire, as unbiassed men may see by the whole conduct of our government, and by the condition of our fleet, and of our armies, which, with good management, shall be constantly the same, and greater, if the safety, or honour of the nation require it. We recommend these considerations to all our subjects, and that they will reflect on their present ease and happiness, how for above three years that it hath pleased God to permit us to reign over these kingdoms, we have not appeared to be that prince, our enemies would have made the world afraid of; our chief aim having been not to be the oppressor, but the father of our people; of which we can give no better evidence, than by conjuring them to lay aside all private animosities, as well as groundless jealousies, and to chuse such members of parliament, as may do their parts to finish what we have begun for the advantage of the monarchy, over which Almighty God has placed us; being resolved to call a parliament, that shall meet in November next at farthest."

James II. 1688.

An order to the bishops to see it read in all churches and chapels. May 4. Gazettes. No. 2344.

The king was not satisfied with publishing this declaration in the usual method, but thinking, without doubt, that, in so important an affair, extraordinary formalities were to be observed, he issued out an order of council, enjoyning the bishops

James II. 1688. biſhops to cauſe it to be ſent and diſtributed throughout their ſeveral dioceſes, to be read at the uſual times of divine ſervice, in all churches and chapels, on certain days named in the order. Some believed, the king had two views in this order, firſt, to mortify the Church of England, againſt which he had for ſome time ſhowed great reſentment: ſecondly, to lay the biſhops under a neceſſity, either of making themſelves in ſome meaſure the inſtruments of his deſigns againſt the Proteſtant religion, or of incurring the penalties of their diſobedience in caſe of a refuſal.

Kennet. p. 509. Burnet. p. 736. Welwood.

Several biſhops meet and debate about it. Kennet, p. 509.

Upon the receipt of this order, ſeveral biſhops, who were in London, aſſembled at the archbiſhop's palace at Lambeth, to conſult how they were to behave upon ſo nice an occaſion. For they were neceſſarily, either in obeying the king, to approve by their conduct this violation of the laws, and betray the intereſts of the Proteſtant religion, or in refuſing to obey, to draw upon themſelves the penalties which, in all appearance, would be inflicted for their diſobedience. Theſe difficulties were debated in this aſſembly with all the care ſo important an affair required, after they had implored the divine aſſiſtance by extraordinary prayers. The reſult of their conference was, that it was better to obey God than man, and their caſe being ſuch, that they could not obey the king without betraying their own conſciences, they ought without further conſideration to expoſe themſelves to the approaching ſtorm, rather than ſacrifice the intereſts of God and the church. This reſolution was grounded upon four conſiderations. 1. That many would juſtly deem the clergy either cowards or hypocritical time-ſervers, in publiſhing what they thought illegal, and illegally ſent to them. 2. That many who had votes for parliament-men would take this for the conſent of the publiſhers, and be ſtrengthened in the chuſing ſuch men as ſhould be friends, not only to the indulgence, but to the foundation of it, the diſpenſing power. 3. That the world would have reaſon to take their publication for an approbation, becauſe there could be no other intention in ordering it to be publiſhed, but to make the clergy parties to it. 4. That after this they muſt expect farther things to be publiſhed by them, at which they muſt make a ſtand; and their making a ſtand when they had loſt their reputation would be of no force.

Kennet, p. 510.

They petition the king to be excuſed from ſending it to their clergy.

Purſuant to this reſolution, the conſulting biſhops, being ſeven, before they parted drew up a petition, and ſubſcribing it the ſame day, the 18th of May, ſix of them

(d) croſſed the water to Whitehall, to preſent it to the King, without acquainting any perſon with their deſign. Their names were Sancroft archbiſhop of Canterbury, Lloyd biſhop of St. Aſaph, Kenn of Bath and Wells, Turner of Ely, Lake of Chicheſter, White of Peterborough, and Trelawny of Briſtol. Their petition ran thus:

James II. 1688.

Kennet, p. 511. Echard. III. p. 859. Burnet, p. 738. Welwood.

To the King's moſt Excellent Majeſty.

The humble Petition of William archbiſhop of Canterbury, and divers of the ſuffragan biſhops of that province, now preſent with him, in behalf of themſelves and other of their abſent brethren, and of the inferior clergy of their reſpective dioceſes.

"Humbly ſheweth,

"THAT the great averſeneſs they find in themſelves, to "the diſtributing and publiſhing in all their churches, "your majeſty's late declaration for liberty of conſcience, "proceeds neither from any want of duty and obedience to "your majeſty, (our holy mother the Church of England be- "ing, both in her principles, and in her conſtant practice, "unqueſtionably loyal, and having, to her great honour, "been more than once publicly acknowledged to be ſo by "your gracious majeſty) nor yet from any want of tender- "neſs to Diſſenters, in relation to whom we are willing to "come to ſuch a temper, as ſhall be thought fit, when the "matter ſhall be conſidered and ſettled in parliament and con- "vocation: but among many other conſiderations, from this "eſpecially, becauſe that declaration is founded upon ſuch a "diſpenſing power, as hath been often declared illegal in "parliament, and particularly in the years 1662, and 1672, "and in the beginning of your Majeſty's reign; and is a mat- "ter of ſo great moment and conſequence to the whole na- "tion, both in church and ſtate, that you petitioners cannot "in prudence, honour, or conſcience, ſo far make them- "ſelves parties to it, as the diſtribution of it all over the na- "tion, and the ſolemn publication of it once and again, even "in God's houſe, and in the time of his divine ſervice, muſt "amount to, in common and reaſonable conſtruction. Your "petitioners therefore moſt humbly and earneſtly beſeech "your majeſty, that you will be pleaſed not to inſiſt upon "their diſtributing and reading your majeſty's ſaid declara-

(d) The archbiſhop, being in an ill ſtate of health, did not go to Whitehall, Burnet, p. 739.

"tion;

James II. 1688. "tion; "and your petitioners, as in duty bound, ſhall ever "pray, &c."

The king's anſwer. Kennet, p. 511. Burnet, p. 739. Echard. III. p. 859.

The king, ſurprized and incenſed at this petition, anſwered in a very angry tone: "I have heard of this before, "but did not believe it: I did not expect this from the "Church of England, eſpecially from ſome of you. If I "change my mind, you ſhall hear from me; if not, I ex-"pect my command ſhall be obeyed." The biſhops replied, "We reſign ourſelves to the will of God," and then immediately retired.

Id. p. 876. Kennet, p. 515. Burnet, p. 740.

The biſhops of Durham and Rocheſter, both eccleſiaſtical commiſſioners (e), cauſed the declaration to be read in their dioceſes. But it generally happened, wherever it was read, that the congregation immediately left the church. One miniſter, before he began to read it, told his flock, "That he "could not refuſe the order ſent him to read the declaration, "but that he knew no order which obliged them to hear it." In London it was read but in four or five churches (f).

Ibid.

Mean time, the court was unreſolved what courſe to take with the biſhops. Not but that they were determined to come to extremities, rather than quit their deſigns. However, they did not care to begin with the biſhops, becauſe of the people's reverence for them. Though the king's council perſuaded him to do all things with a high hand, they trembled, however, when they met with any oppoſition, ſeeing the great diſproportion between the number of Proteſtants and Papiſts. They conſidered, that while every one was ſubmiſſive, the lords-lieutenants of counties, and the magiſtrates, all creatures of the king, had great credit and authority; but ſhould the people happen to grow weary of their obedience, and openly reſiſt, their authority would vaniſh; and it was not probable, the leſſer number ſhould ſubdue the greater. This had been the caſe in the reign of Richard II, and very lately in that of Charles I. It ſeems therefore, that prudence required the king carefully to avoid what might produce a ſudden revolution, and not to enter upon violent meaſures, till he had taken greater precautions. For, upon ſuppoſition of a rebellion, which was not impoſſible, if the biſhops were proceeded againſt with rigour, was it not a groſs error, to rely on a Proteſtant army to introduce Popery, and force Proteſtants

(e) Barlow of Lincoln, and Crofts of Hereford. Kennet, p. 512. Note.

(f) Namely, by Mr. Hall, Dr. Thomſon, and Mr. Elliot. Kennet, p. 511. Note (b). Burnet ſays it was read in ſeven churches in London, and in not above two hundred all England over, p. 740.

to

to ſubmiſſion? But, on the other hand, thoſe who directed the king in his counſels and undertakings, had not his intereſt chiefly in view, but that of the Catholic religion. They conſidered the king only as an inſtrument to be uſed, at all events, whilſt he was alive, for fear they ſhould ſuddenly loſe him. God ſeems to have blinded this prince, to prevent his ſeeing what every one elſe clearly ſaw, in order to throw him upon his ruin. He was therefore reſolved to proceed with the utmoſt rigour againſt the biſhops, and for that purpoſe they were ſummoned to appear before the council the 8th of June. James II. 1688.

The biſhops ſummoned before the council.

On their appearance, they were aſked, "Whether they "owned the petition?" The biſhops ſurprized at this queſtion, ſince they themſelves had preſented the petition, feared ſome ſnare was laid for them, and therefore at firſt forbore to give a direct anſwer (g). At laſt, the archbiſhop confeſſed, that it was written with his own hand, and that the reſt had ſigned it; adding withal, they had done nothing but what they were ready to juſtify. The chancellor endeavoured to make them ſenſible of the ill conſequences of their diſobedience, which tended to diminiſh the king's authority, and to diſturb the peace of the kingdom. At laſt, he aſked them, whether they would give their recognizances to appear before the court of king's bench to anſwer this high miſdemeanour? This they all refuſed, inſiſting on the privilege of their peerage, which they were reſolved to maintain, as well as the rights of the church, being equally bound by their callings to oppoſe all innovations both in government and religion. The chancellor, ſurprized at their conſtancy, threatened to ſend them to the Tower, and to proſecute them to the utmoſt rigour of the law, unleſs they immediately recanted, and withdrew their petition. They unanimouſly anſwered, That they were ready to go wherever his majeſty was pleaſed to ſend them; that they hoped the King of Kings would be their protector and their judge; that they

Their appearance and behaviour. Kennet, p. 511. Burnet, p. 741. Echard. III. p. 860.

(g) It ſeems, as the biſhops were going to the council, they were adviſed to remember, that no man was obliged by the law to accuſe himſelf. Accordingly, when the king in council, holding the petition in his hand, aſked them whether they had ſigned that paper? they made a low bow, and ſaid nothing. What, ſays the king, do you deny your own hands? upon which they ſilently bow'd again. Then the king told them, if they would own it to be their hands, upon his royal word not a hair of their heads ſhould be touched. Whereupon the archbiſhop ſays, "Relying on your "Majeſty's word, I confeſs it to be "my hand;" and ſo ſaid all the reſt. Then being ordered to withdraw, when they were called in again, they found the king vaniſhed, and Jefferies in the chair, who uſing them very roughly, ſent them to the Tower. The tranſlator had theſe particulars from the late biſhop of Durham's own mouth.

feared

James II. 1688. feared nothing from men; and that having acted according to law and their own conſciences, no puniſhments ſhould ever be able to ſhake their reſolutions.

They are ſent to the Tower. Gazettes, No. 2354. Kennet, p. 512. Echard. III. p. 861.

Upon this anſwer, eighteen privy-counſellors, ſeveral of them Papiſts (h), were for ſending the biſhops to the Tower. A warrant was immediately drawn and ſigned for their commitment, the reaſon given being, "For contriving, making, "and publiſhing a ſeditious libel againſt his Majeſty and his "government." It is difficult to conceive, upon what foundation, they could be accuſed of publiſhing a petition which they had only delivered to the king himſelf. However, the attorney and ſollicitor-general, were ordered to proſecute them for the ſame the next term. It was not thought proper to ſend them to the Tower through London, for fear it might occaſion a tumult. They were therefore in the moſt private manner conveyed by water. But people hearing of it, flocked in multitudes to the river-ſide, and upon their knees deſired their bleſſing, with loud acclamations extolling their conſtancy. The ſame ſpectacle was ſeen at the tower, where the ſoldiers of the garriſon fell on their knees to beg their bleſſing.

This was a great mortification to the king, and might have convinced him, that he was yet very far from his aim. But, as I ſaid, the deſign of his counſellors was to make haſte and finiſh the work begun, for fear ſome accident ſhould deprive them of their inſtrument.

The queen delivered of a prince. Gazettes, No. 2354. Burnet. Kennet, p. 512.

Two days after the biſhops had been ſent to the Tower, the 10th of June, the queen was delivered of a prince, who, during the life of his father was known by the name of the "prince of Wales," and afterwards, by ſome was called the "Pretender." His birth was an occaſion of triumph to the Papiſts, but of aſtoniſhment and terror to the Proteſtants, who ſaw their hopes defeated, that their misfortunes would end with the death of the king. It is univerſally known, that the birth of this prince has been very much ſuſpected, and that many did then, and ſtill do, believe it ſuppoſititious. Multitudes of papers have been publiſhed for and againſt, ſome containing the grounds of the ſuſpicions, and others, arguments to remove them. The reader, doubtleſs, expects not from a foreigner, the deciſion of a fact which was never perfectly cleared, the impoſture whereof reſts only upon con-

Suſpicions relating to it.

(h) They were, chancellor Jefferies, the marquis of Powis, the earls of Sunderland, Mulgrave, Huntingdon, Peterborough, Craven, Murray, Middleton, Melfort, and Caſtlemain; the lords Arundel, Dartmouth, Godolphin, and Dover: Sir John Ernly, Sir Edward Herbert, and Sir Nicholas Butler. Echard. Tom. III. p. 861.

jectures

jectures and probabilities, and the truth upon ſuppoſitions, which indeed are generally true, but of which it cannot be ſaid, that it is impoſſible they may be ſometimes falſe. In general, it is very certain, the Queen, during the whole time of her pregnancy, was ſuſpected of a deſign to impoſe an heir upon the kingdom, and this ſuſpicion was very public. It is alſo certain, that though the king and queen knew of this ſuſpicion, they took no care to remove it. On the contrary, their whole conduct, as well during the queen's pregnancy, as her labour, gave ſtill greater ſtrength to the ſuſpicion. For a negligence which ſignifies nothing when there is no ſuſpicion, muſt be remarked when an impoſture is ſuſpected. On the other hand, it ſeems a ſtanding rule, that, when both parents expreſs not any doubt concerning the birth of their child, no perſon can be ſure they are deceived. But this rule is perhaps not ſo general and certain as many imagine. It is very good where there is no ſuſpicion of a cheat. But in caſe a preſumptive heir, diſinherited by the birth of a child, who comes to take his place, has good proofs that the child is ſuppoſititious, certainly the bare owning of this child by both parents, will not invalidate proofs, which I ſuppoſe to be full. It is not impoſſible for a man and wife to ſuppoſe a child, through revenge, or ſome other intereſt, in order to deprive a preſumptive heir of their inheritance. I ſay, it is not impoſſible, though it rarely happens. There are however inſtances to prove the poſſibility. Indeed, to decide by law, that a child is ſuppoſititious, very convincing proofs muſt be alledged, becauſe the judges, who are obliged to follow the rules of law, are not determined by appearances, however probable they may be. But the caſe is not the ſame with the public, on whom very often conjectures grounded upon great probabilities, make as much impreſſion as the ſtrongeſt proofs. The affair in queſtion having never been legally decided, I can only preſent the reader with what has been moſt probably urged pro and con, in order to aſſiſt him either to be determined for or againſt the pretended ſuppoſition of the prince of Wales, or to ſhow him, that he ought to ſuſpend his judgment, till the thing is more plainly diſcovered. This I propoſe to do with impartiality, in producing the arguments alledged on both ſides.

James II. 1688.

Reflections upon it.

There are three opinions concerning the real or pretended birth of the prince of Wales.

Sundry opinions concerning the birth of the prince of Wales. Echard. III. p. 863.

The firſt is, that the queen was not with child when ſhe pretended to be ſo, and that at the time of her pretended delivery, a ſon was ſuppoſed to be born of her. The ſecond is, that

James II. 1688. that she was really with child, but that having the misfortune of a miscarriage, she continued still to feign herself big, and at last supposed, or caused to be supposed, a child as born of her body, and that this child dying shortly after, another was substituted in his room, and to this, dying seven weeks after, succeeded another child. The third opinion is, that the queen was really with child, and delivered the 10th of June of a son, the same who is since called the Pretender, and is now at Rome. In confirmation of the first of these opinions it is alleged: 1. That the king, for certain reasons, was become incapable of children. 2. That the queen had been seven years without being with child. 3. That now she had never a constant reckoning. 4. That her delivery was sudden, and immediately after the removing of her lodgings. 5. That it was on a Sunday morning, when all the Protestant court-ladies were at church. 6. That neither the princess Anne of Denmark, the archbishop of Canterbury, nor the Dutch ambassador, were present at her labour, though they were the three persons who ought principally to have been there. 7. That during the labour, her bed was not left so open as it should have been. 8. That while she went with child, she never satisfied the princess Anne, and many Protestant ladies about her, of her pregnancy, either by letting them feel her belly, or see her breasts. 9. Neither did she show the princess any of her milk after her lying-in. 10. That during her labour, a warming-pan was brought into the room, though the weather was extreme hot, and the room heated by a vast crowd of people. Lastly, It was alledged, that though the king, queen and courtiers, sufficiently knew before the delivery, that the nation suspected an imposture, they did not use those precautions as they might and ought to have done in such a case; and, instead of putting it beyond all possibility of doubt, they left so many marks of suspicion, as caused infinite doubts and disputes: insomuch that some Roman Catholics themselves owned, "That so "important an affair had been managed with great supine- "ness and imprudence." This is what Mr. Echard says, one of the most moderate historians, who is not to be suspected by the king's adherents.

Dr. Welwood is very short in his account of this matter, and contents himself with giving the general opinion, without any thing of his own. These are his words:

Extract from Welwood. p. 187. "While the bishops were in the Tower, the Roman Ca- "tholics had their hopes crowned with the birth of a pre- "tended prince of Wales. The fears of a Protestant suc- "cessor,

" ceſſor, had been the only allay that rendered their proſpe- James II.
" rity leſs perfect. Now the happineſs of having an heir to 1688.
" the crown, to be bred up in their own religion, quaſhed
" all thoſe fears, and atoned for the uncertainty of the king's
" life. It was ſo much their intereſt to have one, and there
" were ſo many circumſtances that ſeemed to render his birth
" ſuſpicious, that the nation in general were inclinable to be-
" lieve, that this was the laſt effort of the party, to accom-
" pliſh our ruin."

But the moſt circumſtantial account of this affair, is that of Dr. Burnet, biſhop of Saliſbury, in the "Hiſtory of his "own Times," publiſhed ſince his death. As I am to make ſome remarks on his teſtimony, it will be neceſſary to inſert the following paſſage, wherein he expreſsly ſpeaks of the birth of the prince of Wales.

" I muſt now look back to England, where the queen's and from biſhop Bur-
" delivery was the ſubject of all men's diſcourſe. And ſince net. T. I.
" ſo much depends on this, I will give as full and as diſtinct p. 748.
" an account of all that related to that matter, as I could
" gather up, either at that time or afterwards. The queen
" had been for ſix or ſeven years in ſuch an ill ſtate of health,
" that every winter brought her very near death. Thoſe
" about her ſeemed well aſſured, that ſhe, who had buried
" all her children ſoon after they were born, and had now for
" ſeveral years ceaſed bearing, would have no more children.
" Her own prieſts apprehended it, and ſeemed to wiſh for
" her death. She had great and frequent diſtempers, that
" returned often, which put all people out of their hopes or
" fears of her having any children. Her ſpirits were now
" much on the fret. She was eager in the proſecution of all
" the king's deſigns. It was believed, that ſhe had a main
" hand in driving him to them all. And he, perhaps, to
" make her gentler to him in his vagrant amours, was more
" eaſy to her in every thing elſe. The lady Dorcheſter was
" come back from Ireland; and the king went often to her.
" But it was viſible, ſhe was not like to gain that credit in
" affairs, to which ſhe had aſpired: and therefore this was
" leſs conſidered.

" She had another mortification, when Fitz-James the
" king's ſon was made duke of Berwick. He was a ſoft and
" harmleſs young man, and was much beloved by the king:
" but the queen's diſlike kept him from making any great
" figure. He made two campaigns in Hungary, that were lit-
" tle to his honour: for, as his governor diverted the allow-
" ance that was given for keeping a table, and ſent him al-

" ways

James II. 1688. "ways to eat at other tables, ſo, though in the ſiege of Buda "there were many occaſions given him to have diſtinguiſhed "himſelf, yet he had appeared in none of them. There was "more care taken of his perſon, than became his age and "condition. Yet his governor's brother was a Jeſuit, and "in the ſecret: ſo every thing was ventured on by him, and "all was forgiven him.

"In September, the former year, the queen went to the "Bath, where the king came and ſaw her, and ſtaid a few days "with her. She after that purſued a full courſe of bathing: "and having reſolved to return in the end of September, an "accident took her to which the ſex is ſubject; and that "made her ſtay there a week longer. She came to Windſor "on the 6th of October. It was ſaid, that at the very time "of her coming to the king, her mother, the ducheſs of "Modena, made a vow to the lady Loretto, that her daugh-"ter might by her means have a ſon. And it went current, "that the queen believed herſelf to be with child in that very "inſtant in which her mother made her vow: of which, ſome "travellers have aſſured me, there was a ſolemn record made "at Loretto. A conception ſaid to be thus begun, looked "ſuſpicious. It was now fixed to the 6th of October: ſo "the nine months were to run to the 6th of July. She was, "in the progreſs of her big belly, let blood ſeveral times: "and the moſt aſtringent things that could be propoſed were "uſed.

"It was ſoon obſerved, that all things about her perſon "were managed with a myſterious ſecrecy, into which none "were admitted but a few Papiſts. She was not dreſſed nor "undreſſed with the uſual ceremony. Prince George told "me, that the princeſs went as far in deſiring to be ſatisfied, "by feeling the motion, after ſhe ſaid ſhe was quick, as ſhe "could go without breaking with her: and ſhe had ſome-"times ſtaid by her even indecently long in mornings to ſee "her riſe, and to give her her ſhift: but ſhe never did either. "She never offered any ſatisfaction in that matter by letter to "the princeſs of Orange, nor to any of the ladies of quality, "in whoſe word the world would have acquieſced. The "thing, upon this, began to be ſuſpected: and ſome libels "were writ, treating the whole as an impoſture. The uſe "the queen made of it, was, to ſay, that ſince ſhe ſaw "ſome were ſuſpecting her capable of ſo black a contrivance, "ſhe ſcorned to ſatisfy them who could entertain ſuch thoughts "of her. How juſt ſoever ſhe might be, with relation to "the libellers, yet certainly if ſhe was truly with child, ſhe

"owed

ſwed it to the king and herſelf, to the king's daughters, James II.
" but moſt of all to the infant ſhe carried in her belly, to give 1688.
" ſuch reaſonable ſatisfaction, as might put an end to jea-
" louſy. This was in herpower to do every day: and her
" not doing it, gave juſt grounds of ſuſpicion.

" Things went thus on till Monday in Eaſter week. On
" that day the king went to Rocheſter, to ſee ſome of the
" naval preparations; but was ſoon ſent for by the queen,
" who apprehended ſhe was in danger of miſcarrying. Dr.
" Scarborough was come to Knightſbridge to ſee biſhop
" Ward, my predeceſſor, who had been his ancient friend,
" and was then his patient: but the queen's coach was ſent
" to call him in all haſte, ſince ſhe was near miſcarrying.
" Dr. Windebank, who knew nothing of this matter, ſtaid
" long that morning upon an appointment for Dr. Walgrave,
" another of the queen's phyſicians, who, the next time he
" ſaw him, excuſed himſelf; for the queen, he ſaid, was
" then under the moſt apparent ſigns of miſcarrying. Of
" this the doctor made oath; and it is yet extant.

" On the ſame day, the counteſs of Clarendon, being to
" go out of town for a few days, came to ſee the queen be-
" fore ſhe went, knowing nothing of what had happened to
" her. And ſhe, being a lady of the bed-chamber to the
" queen dowager, did, according to the rule of the court,
" go into the queen's bed-chamber without aſking admit-
" tance. She ſaw the queen a bed, bemoaning herſelf in a
" moſt doleful manner, ſaying often, 'Undone, undone:'
" and one that belonged to her carried ſomewhat out of the
" bed, which ſhe believed was linen taken from the queen.
" She was, upon this, in ſome confuſion: and the counteſs
" of Powis coming in, went to her, and ſaid with ſome
" ſharpneſs, What do you do here? and carried her to the
" door. Before ſhe had got out of the court, one of the
" bed-chamber women followed her, and charged her not to
" ſpeak of any thing ſhe had ſeen that day. This matter,
" whatever was in it, was huſhed up: and the queen held
" on her courſe.

" The princeſs had miſcarried in the ſpring. So, as ſoon
" as ſhe had recovered her ſtrength, the king preſſed her to
" go to the Bath, ſince that had ſo good an effect on the
" queen. Some of her phyſicians, and all her other friends,
" were againſt her going. Lower, one of her phyſicians,
" told me, he was againſt it: he thought ſhe was not ſtrong
" enough for the Bath, though the king preſſed it with an
" unuſual vehemence. Millington, another phyſician, told

James II. 1688. "the earl of Shrewſbury, from whom I had it, that he was preſſed to go to the princeſs, and adviſe her to go to the Bath. The perſon that ſpoke to him told him, the king was much ſet on it; and that he expected it of him, that he would perſuade her to it. Millington anſwered, He would not adviſe a patient according to direction, but according to his own reaſon: ſo he would not go. Scarborough and Witherby took it upon them to adviſe it: ſo ſhe went thither in the end of May.

"As ſoon as ſhe was gone, thoſe about the queen did all of the ſudden change her reckoning, and began it from the king's being with her at Bath. This came on ſo quick, that though the queen had ſet the fourteenth of June for her going to Windſor, where ſhe intended to lie-in, and all the preparations for the birth and for the children were ordered to be made ready by the end of June, yet now a reſolution was taken for the queen's lying-in at St. James's, and directions were given to have all things quickly ready. The Bath water either did not agree with the princeſs: or the advices of her friends were ſo preſſing, who thought her abſence from the court at that time of ſuch conſequence, that in compliance with them ſhe gave it out it did not, and that therefore ſhe would return in a few days.

"The day after the court had this notice, the queen ſaid ſhe would go to St. James's, and look for the good hour. She was often told, that it was impoſſible upon ſo ſhort a warning to have things ready. But ſhe was ſo poſitive, that ſhe ſaid, ſhe would lie there that night, though ſhe ſhould lie upon the boards. And at night, though the ſhorter and quicker way was to go from Whitehall to St. James's through the Park, and ſhe always went that way, yet now, by a ſort of affectation, ſhe would be carried thither by Charing-Croſs through the Pall-Mall. And it was given out by all her train, that ſhe was going to be delivered. Some ſaid it would be next morning: and the prieſts ſaid very confidently, that it would be a boy.

"The next morning about nine o'clock, ſhe ſent word to the king, that ſhe was in labour. The queen dowager was next ſent to. But no ladies were ſent for: So that no women were in the room, but two dreſſers, and one underdreſſer, and the midwife. The earl of Arran ſent notice to the counteſs of Sunderland; ſo ſhe came. The lady Bellaſis came alſo in time. The Proteſtant ladies that belonged to the court were all gone to church, before the queen was let go abroad: for it happened on Trinity-Sunday, it being that year on the 10th of June. The king brought

"over

"over with him from Whitehall a great many peers and privy-counsellors. And of these, eighteen were let into the bed-chamber; but they stood at the farthest end of the room. The ladies stood within the alcove. The curtains of the bed were drawn close, and none came within them but the midwife, and an under-dresser. The queen lay all the while a-bed: and in order to the warming one side of it, a warming-pan was brought, but it was not opened, that it might be seen that there was fire and nothing else in it. So here was matter for suspicion, with which all people were filled.

James II. 1688.

"A little before ten the queen cried out as in a strong pain, and immediately after the midwife said aloud, she was hastily brought to bed. When the lords all cried out, of what? the midwife answered, the queen must not be surprized; only she gave a sign to the countess of Sunderland, who upon that touched her forehead, by which, it being the sign before agreed on, the king said he knew it was a boy. No cries were heard from the child; nor was it shewed to those in the room. It was pretended more air was necessary. The under-dresser went out of the room with the child, or somewhat else in her arms, to a dressing-room, to which there was a door near the queen's bed; but there was another entry to it from other apartments. The king continued with the lords in the bed-chamber for some minutes, which was either a sign of much phlegm upon such an occasion; for it was not known whether the child was alive or dead: or it looked like giving time for some management. After a little while they went all into the dressing-room, and then the news was published. In the mean while, no body was called to lay their hands on the queen's belly, in order to a full satisfaction. When the princess came to town, three days after, she had as little satisfaction given her. Chamberlain the man-midwife, who was always ordered to attend her labour before, and who brought the plaisters for putting back the milk, wondered that he had not been sent to. He went according to custom with the plaisters: but he was told they had no occasion for him. He fancied that some other person was put in his place; but he could not find that any had it. All that concerned the milk, or the queen's purgations, was managed still in the dark. This made all people inclined more and more to believe, there was a base imposture now put on the nation. That still increased. That night one Hemings, a very worthy man, an apothecary by his trade, who lived in St. Martin's Lane, the very next door

James II. 1688. "to a family of an eminent Papiſt, (Brown, brother to the viſcount Montacute, lived there) the wall between his "parlour and theirs being ſo thin, that he could eaſily hear "any thing that was ſaid with a louder voice; he (Hemings) "was reading in his parlour late at night, when he heard one "coming into the neighbouring parlour, and ſay with a dole-"ful voice, the prince of Wales is dead: upon which a "great many that lived in the houſe came down ſtairs very "quick: upon this confuſion he could not hear any thing "more; but it was plain, they were in a great conſternation. "He went with the news next morning to the biſhops in the "Tower. The counteſs of Clarendon came thither ſoon "after, and told them, ſhe had been at the young prince's "door, but was denied acceſs: ſhe was amazed at it; and "aſked if they knew her: they ſaid they did, but that the "queen had ordered, that no perſon whatſoever ſhould be "ſuffered to come in to him. This gave credit to Hemings's "ſtory, and looked as if all was ordered to be kept ſhut up "cloſe, till another child was found. One, that ſaw the "child two days after, ſaid to me, that he looked ſtrong, "and not like a child ſo newly born. Windebank met Wal-"grave the day after his birth, and remembered him of what "he had told him eight weeks before. He acknowledged "what he had ſaid, but added, that God wrought miracles: "to which no reply could or durſt be made by the other: "it needed none. So healthy a child being ſo little like any "of thoſe the queen had borne, it was given out, that he had "fits, and could not live. But thoſe who ſaw him every "day obſerved no ſuch thing. On the contrary, the child "was in a very proſperous ſtate. None of thoſe fits ever "happened, when the princeſs was at court; for ſhe could "not be denied admittance, though all others were. So this "was believed to be given out to make the matter more cre-"dible. It is true, ſome weeks after that, the court being "gone to Windſor, and the child ſent to Richmond, he fell "into ſuch fits, that four phyſicians were ſent for. They all "looked on him as a dying child. The king and queen were "ſent for. The phyſicians went to a dinner prepared for them; "and were ſomewhat wondering that they were not called for. "They took it for granted, that the child was dead. But, "when they went in after dinner to look on him, they ſaw a "found healthy child, that ſeemed to have had no ſort of "illneſs on it. It was ſaid, that the child was ſtrangely "revived at that inſtant. Some of the phyſicians told Lloyd, "biſhop of St. Aſaph, that it was not poſſible for them to

"think

"think it was the same child. They looked on one another, James II.
"but durst not speak what they thought. 1688.

"Thus I have related such particulars as I could gather "of this birth: to which some more shall be added, when I "give an account of the proof that the king brought after- "wards to put this matter out of doubt; but by which it be- "came indeed more doubtful than ever. I took most of "these from the informations that were sent over to the prince "and princess of Orange, as I had many from the vouchers "themselves. I do not mix with these, the various reports "that were, both then and afterwards, spread of this matter, "of which bishop Lloyd has a great collection, most of them "well attested. What truth soever may be in these, this is "certain, that the method in which this matter was con- "ducted from first to last was very unaccountable. If an "imposture had been intended, it could not have been other- "wise managed. The pretended excuse that the queen "made, that she owed no satisfaction to those who could "suspect her capable of such base forgery, was the only ex- "cuse that she could have made, if it had been really what it "was commonly said to be. She seemed to be soon reco- "vered, and was so little altered by her labour, either in her "looks or voice, that this helped not a little to increase jea- "lousies. The rejoicings over England upon this birth, were "very cold and forced. Bonfires were made in some places, "and a set of congratulatory addresses went round the nation. "None durst oppose them. But all was formal, and only to "make a show."

After having related what has been said by Echard, and the bishop of Salisbury, on the birth of the prince of Wales, I shall make some remarks on this subject.

1. If the accounts of these two famous writers be carefully examined, it will doubtless be surprising, to find a sort of contradiction between them. For the suspicions mentioned by Echard are, that the queen, though she pretended to be, yet was not with child. Nay, the bishop of Salisbury seems at first to support this suspicion, by speaking of her "great "and frequent distempers;" of her having "for several years "ceased bearing;" of her having "buried all her children "soon after they were born;" of her refusing to give satis- faction to the princess of Denmark and the Protestant ladies of the court. Nevertheless, he says positively afterwards, that she was really with child the 10th of October (a), and The au- thor's re- flections upon this matter.

(a) He only says, "it went current, that the queen believed herself to be "with child on October 6." p. 749.

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that in Easter week she had a miscarriage, that is, six months after conception. If this be true, it very plainly follows, that all the suspicions entertained of the queen from the beginning of January (the time of her declared pregnancy) to Easter week, ought to vanish, though she had been less careful of giving satisfaction to the public, than she was. Assuredly this negligence is not capable to invalidate the reality of her pregnancy, if she had a miscarriage in the beginning of her seventh month. What the prince of Denmark told Dr. Burnet of his princess's fruitless endeavours to see the queen rise, cannot serve to confirm the suspicion of an imposture, unless it appear, that this was from the Monday before Easter, to the [illegible] of June (b). But the bishop fixes no time. It might even be inferred from the order observed by the bishop in his story, that what he says concerning the princess of Denmark, passed between January and Easter week. But, supposing the reality of the pregnancy, it is clear, that the queen might have given satisfaction to the princess, and the Protestant court-ladies. And it cannot be denied, that she committed a great error in refusing to do it. But it is certain, this refusal proves nothing, if it be true that she was with child, at least till Easter week. The times are therefore carefully to be distinguished. Her obstinacy to give no satisfaction from January, when she declared herself with child, to Easter week, can be ascribed only to an unseasonable and preposterous haughtiness. But it may be suspected, that from Easter week to the 10th of June, she still pretended to be with child, when she was no longer so, and that she produced another at the time of her pretended delivery. Thus all the suspicions concerning the reality of her pregnancy, are to be included within the space of two months. For in the year 1688, Easter-day was the 15th of April; the queen had a miscarriage the Monday before Easter, on the 9th of April; and she was delivered the 10th of June. But no time is fixed for this refusal of satisfaction to the public, though, the queen being six months gone when she miscarried, she might, for some time, have caused the motion of the child to be perceived.

2. In the bishop of Salisbury's account, are four several children. The first, which really belonged to the queen, was an untimely birth of six months. The second was sup-

(b) I [illegible] of this passage [illegible] "That the [illegible] "desiring [illegible] "the motion, after the queen said "she was quick, as she could go "without breaking with her." Ibid.

posed

poſed at the time of her pretended delivery, and died the ſame day. The third was brought in the room of the dead child, and died alſo ſome weeks after at Richmond. The fourth, ſubſtituted in the room of the third, muſt be the preſent Pretender. It is ſurprizing, that Echard, who probably writ the hiſtory of this reign, but twenty or twenty-five years after the time I am ſpeaking of, ſhould have heard nothing of theſe two laſt impoſtures, but confines himſelf to one, in what he relates concerning the public ſuſpicions. James II. 1688.

3. Fuller, who pretended to give an exact account of the cheats, agrees not with the biſhop of Saliſbury. But I ſhall not inſiſt on his teſtimony, becauſe his pretended diſcovery has been little regarded.

4. It remains therefore to examine what the biſhop of Saliſbury ſays, to make us ſuſpect the ſuppoſition of the three laſt children. For, the firſt, which was but a miſcarriage, according to this author, was really the queen's. To this end, we are to diſtinguiſh three different times, namely, before, at, and after her delivery. I ſhall make ſome obſervations upon the moſt remarkable circumſtances of each of theſe times.

1. The king's preſſing the princeſs to go to the Bath, agrees very well with the deſign of ſuppoſing an heir. For the preſence of the princeſs at the queen's pretended delivery, muſt have been perplexing, on account of her intereſt to detect the impoſture. Had the king contented himſelf with barely adviſing her to go to Bath, nothing could have been inferred from it, but that he thought the Bath good for her health. But his preſſing it with an unuſual vehemence, and cauſing a phyſician to be told, that he expected it of him that he would perſuade her to it, ſeem to diſcover ſome ſecret deſign, eſpecially, when it is conſidered, that an impoſture was already ſuſpected. This ſuſpicion is farther confirmed by the change of the queen's reckoning, and by her delivery two days after it was known that the princeſs was upon the point of returning from the Bath. But there muſt not be given to this cauſe of ſuſpicion, more ſtrength than it really has. For as it is very poſſible for the king to have believed, that the Bath would be of ſervice to the princeſs his daughter, the ſuſpicion of his acting from another motive, is founded only upon the ſuppoſition of an impoſture. If this was well proved, the king's proceeding would become ſort of a new proof. But as it is not, it ſeems that the ſuſpicion ought not to be ſupported by the ſuppoſition of the fact in queſtion.

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2. If it is true, that the queen did not believe herſelf with child till the 6th of October, and that ſhe afterwards ſuddenly changed her reckoning, there is reaſon to ſuſpect ſome myſtery in it. And indeed, by this new reckoning ſhe was to be brought to bed during the abſence of the princeſs of Denmark, whereas by the firſt ſhe could not be delivered till after her return. To this may be added, that if it is true, that about the end of September ſhe was ſtopped at the S...h, one week longer than ſhe intended, by an accident to which the ſex is ſubject, ſhe could not be with child from the 10th of September, nor conſequently brought to bed the 10th of June. To this it is anſwered, that theſe miſreckonings are common to the whole ſex. But this reaſon cannot take place here, becauſe it did not appear that the queen thought herſelf miſtaken.

3. It cannot be denied, that there is ſomething extraordinary in the queen's ſudden reſolution, of going to lye-in at St. James's, when things were not ready. Hitherto no probable reaſon has been given of this ſudden change, to ſhow that ſhe could lye-in more commodiouſly at St. James's than at Whitehall, nor why ſhe at firſt choſe Windſor for the place, and fixed the time to the beginning of July.

4. I own I ſee nothing in the queen's affectation of being carried to St. James's by Charing-Croſs, through the Pall-Mall, to confirm the ſuſpicion of an impoſture.

5. I never heard, that the preſence of the archbiſhop of Canterbury is abſolutely neceſſary at the delivery of the queens of England, eſpecially at that of a Popiſh queen, who could have no great need of his aſſiſtance.

As for the time of the queen's delivery, there are many things to be examined.

1. The queen, after having declared her intention to lye-in at St. James's, without any apparent neceſſity, was bent to go thither on the Saturday, though nothing was ready. This is a ſign, ſhe thought it would be too late if ſhe deferred going till the next day. It is therefore clear, that ſhe expected the moment of her delivery every hour, and yet when ſhe began to find herſelf ill, "No women were in the room but two "dreſſers, one under-dreſſer, and the midwife." Not one foreign lady was in the palace. It cannot be denied, that this was very extraordinary for a queen, ſince it was ſo eaſy to have other ladies at hand to aſſiſt her, and the more, as ſhe hourly expected the moment of her delivery. It is no leſs extraordinary, that none of the court-ladies were called beſides the counteſs of Sunderland, by the particular care of the earl

earl of Arran; and the queen-dowager, who lodged in Somerſet-houſe, a great way from St. James's. All this ſeems to diſcover, it was not deſired that many ladies ſhould be preſent at the labour. To this it is anſwered, that the queen was ſurprized, as women frequently are, and that the Proteſtant ladies were at church. But ſome take occaſion from hence to confirm their ſuſpicion. They ſuppoſe, the queen would not have gone with ſo much precipitation on Saturday night, to St. James's, if ſhe had not known ſhe ſhould be delivered the next morning, while the Proteſtant ladies were employed at their devotions. But after all, this is only a ſuſpicion. For, who can be ſure, that the queen acted by the motive aſcribed to her? All that can be ſaid, is, that the point in queſtion being a child who, if a boy, was to take place of a princeſs, preſumptive heir of the king her father, the king and queen ought to have put his birth out of all doubt. Inſtead of this, they confirmed, by a myſterious conduct, ſuſpicions which were already but too far ſpread, and of which they could not be ignorant. The empreſs Conſtantia, wife of Henry VI, proving with child at the age of fifty-two years, choſe a place the moſt public for her labour, and thereby removed all ſuſpicion of the birth of her child. On the contrary, the queen of king James II, for having neglected all precautions, has left upon her ſon, real or pretended, a blot which has not yet been effaced. James II. 1688.

2. The king's being at the farther end of the room with eighteen peers and privy-counſellors, is a circumſtance which proves nothing at all. It is well known, that on theſe occaſions men approach not the bed, to be eye-witneſſes of what paſſes there. All they can do, is to be attentive to the cries of the mother, or the infant. Beſides, the king himſelf was not leſs ſuſpected than the queen.

3. As to the warming-pan brought into the queen's chamber, and which is ſuppoſed to have in it a new-born child, this is only a conjecture founded upon the ſeeming uſeleſſneſs of a warming-pan on the 10th of June, which proved an exceſſive hot day. To this it is anſwered, that a labour is often attended with a quaking and trembling like an ague, which begins with a cold fit. This is what I know nothing of. It is alſo pretended, that it was impoſſible to put a new-born child, in the narrow compaſs of a warming-pan, without ſtifling it. Echard, III. p. 863. Idem.

4. It is very extraordinary, that the queen was not a full hour in labour; for the king was ſent for at nine of the clock, and before ten the queen was delivered. She cried

out

James II. 1688. out but once, in the moment of her delivery. When the mind is filled with ſuſpicions, ſuch circumſtances help to confirm them. Thoſe who are not in the ſame diſpoſition, find nothing extraordinary in this; becauſe the queen had ever had eaſy and quick labours.

5. It is commonly true, that children, the moment they are born and expoſed to the air, are heard to cry. I do know not whether this can be conſidered as infallible. However, the queen having neglected to give undoubted proofs of her pregnancy, every little uncommon circumſtance was capable to confirm the ſuſpicion of an impoſture.

6. As to the ſtreſs that is laid upon the curtains of the bed being cloſe drawn, this cannot ſeem ſtrange, ſince there were eighteen lords in the room.

7. The circumſtance of the child's being not ſhown, can cauſe no ſuſpicion, but on ſuppoſition of the ſuſpicion itſelf, which ought to have been removed, by ſhowing the child as it came from the womb. For, otherwiſe, it is not uſually done, till the midwife has taken due care of the child. But if this is urged to prove, that a child was not taken out of the queen's bed, the ſuſpicion of the warming-pan muſt neceſſarily be ſuppreſſed, for had a child been put in the pan, it could alſo be taken out of it.

8. What is ſaid of the 'king's continuing with the lords 'ſome minutes in the bed-chamber,' and that 'it looked like 'giving time for ſome management,' is a gloſs which deſerves little or no notice.

9. Thoſe who believe the child in queſtion not born of the queen, would have had her take all the precautions which they themſelves imagine, to deſtroy all ſort of doubt, and the omiſſion of one of theſe precautions is, with them, ſufficient to confirm their ſuſpicions.

10. If no ſatisfaction was given to the princeſs of Denmark after her return from Bath, it may be alledged, that ſhe diſcovered no jealouſy concerning the birth of the prince of Wales, and as ſhe appeared convinced of the truth, there was no neceſſity of giving her proofs.

11. The refuſal of Chamberlain's plaiſters would be very apt to cauſe a ſuſpicion, if it was impoſſible for the queen's breaſts not to want them. But how many labours are there which have no need of remedies for putting back the milk? However, the biſhop of Saliſbury obviates this anſwer, by ſaying, that in her former labours, the queen had always great plenty of milk. T. I. p. 785.

12.

12. What is ſaid of the queen's recovering ſo ſoon after her delivery, proves nothing. Some mothers have ſo eaſy labours, that in a few days one can hardly perceive any alteration in them. Beſides, it is too general an expreſſion to ſay, 'the queen ſeemed to be ſoon recovered.' The preciſe time ſhould have been marked, that it might be judged, whether there was any thing extraordinary in it. James II. 1688.

However, all theſe reaſons of ſuſpicions laid together, make an impreſſion upon many men, which each in particular would not be able to do. We muſt always recur to this point, that the king and queen, knowing that they were ſuſpected of an impoſture, ought to have taken juſt meaſures to remove the ſuſpicion, and not having done it, it is not very ſtrange it ſhould continue to this day.

As to what paſſed after the delivery, I mean the ſuppoſition of two children, when the firſt was dead, the biſhop of Saliſbury's account reſts only upon the credit of ſome perſons whom he has given for vouchers, and of others not named by him. There are beſides ſeveral particulars, in proof of which he produces no teſtimony.

He ſuppoſes, that the child of which it was pretended the queen was delivered, died the ſame day. This ſuppoſition is grounded upon what Hemings heard through the wall of his parlour, and upon the denial of acceſs at the young prince's door to the counteſs of Clarendon. All this may be of ſome weight, when a bare ſuſpicion only is meant to be eſtabliſhed. But if it is produced as a proof, the inſufficiency of it is eaſily ſeen.

The death of the ſecond child at Richmond ſtands only upon the report of four phyſicians, who were ſent for to viſit him. The biſhop does not make the phyſicians poſitively ſay that the child died, but only that, "They all looked on "him as a dying child;" and as they were not called for after dinner, "they took it for granted that the child was "dead." But this conſequence is not abſolutely neceſſary; for poſſibly they were not called, becauſe the child grew better. But, ſays the biſhop, "When they went in after "dinner to look on the child, they ſaw a ſound healthy "child, that ſeemed to have had no illneſs on him." They inferred from this, that he was not the ſame child, and the biſhop concludes that the firſt was dead, and another put in his room. What is particular in this fact, is, that theſe four phyſicians doubted this was the ſame child, only becauſe the firſt had been ſick, and this was ſound and healthy; as if all children at ſuch an age were ſo like one another, that no

feature

James II. 1688. feature could diſtinguiſh them. And yet, theſe phyſicians thought it was not the ſame child only by the difference between a ſtate of health and ſickneſs. This is very ſurprizing, ſince naturally the faces of the two children muſt have been ſo different, as not to need other marks (c).

In ſhort, the biſhop of Saliſbury's whole account of theſe three impoſtures, reſts either upon hearſay, or what he found in the informations ſent to the prince and princeſs of Orange, for he was then at the Hague. The ſenders of theſe informations were, probably, no friends of king James. It is therefore very poſſible, not to ſay likely, that they have aggravated their reports, and collected every circumſtance, true or falſe, which was apt to perſuade the prince and princeſs, that the prince of Wales was ſuppoſititious. As for the biſhop of Saliſbury, I am perſuaded, he has related nothing but what he either heard, read, or believed to be true. But who can ſay he was not deceived by prejudiced perſons, who looked upon their ſuſpicions as ſo many convincing proofs? I am aware, that all the Engliſh have not the ſame opinion of Dr. Burnet as I have. Volumes of remarks upon his hiſtory, in which he is violently abuſed, demonſtrate, that the Jacobites conſider him as the ſworn enemy of James II, and as deſerving no credit. But as, for very good reaſons, they have not thought proper to make remarks upon what he ſays of three ſuppoſititious children, it is not my buſineſs to gueſs what they could have ſaid. I preſume therefore he has invented nothing, without pretending, however, to warrant what he ſays upon the teſtimony of others.

I have enlarged upon the birth of the prince of Wales, becauſe there ſeemed to me to be great confuſion, as well in the books, as in the diſcourſes on this ſubject. My intent

(c) Colonel Sands, who died in 1728, being in 1688 gentleman-waiter to the princeſs Anne, was ſent by her from Tunbridge (where ſhe then was) to court, to enquire after her brother's health; going up immediately to the king without ceremony or interruption, as is uſual in ſuch caſes, he came into the room where the prince lay: he ſaw there a pale, long-viſaged child, with red ſpots in his face, and other marks of weakneſs. This ſtruck him ſo, that he took very particular notice of it; but preſently after the ladies in the room came out, ſaying, the prince was a-ſleep. At his going out he met the king, who asked him with a diſturbed countenance, whether he had ſeen the prince? Sands, fearing he had done ſomething amiſs, denied it; upon which the king's countenance cleared up. Some time after he was called to look at the prince, but ſaw a child of very different looks and complexion from that which he found before. All theſe particulars he committed to writing, and carried them to the princeſs. Continuation of Baker's Chro. Edit. 1730, p. 752.

was

was to help the reader, to determine for or againſt, or to ſuſpend his judgment till the thing is more fully cleared. As the principal deſign of hiſtory is to eſtabliſh facts that are certain, to deſtroy thoſe that are falſe, and to inform the readers of the grounds of doubting with regard to ſuch as are dubious, I imagined, that in an affair ſo important as this, which has made ſo much noiſe, and will, doubtleſs, yet long be talked of, the reader would be glad to know [illegible] rely on. Thus much is certain, that moſt Proteſtants believed the prince of Wales ſuppoſititious, chiefly becauſe it would have been very diſadvantagious to them, that James II ſhould have had a Popiſh ſucceſſor. The Papiſts, on the contrary, queſtioned not this prince's birth, becauſe nothing could be more ſerviceable to their religion. I am perſuaded, there were few, either Papiſts or Proteſtants, but what were determined on this point, by their prejudices. But things having taken an unexpected turn, the truth or falſity of this prince's birth have hitherto produced none of the effects which were hoped or feared (d). James II. 1688.

The aſſurance of a Popiſh ſucceſſor, made the king hope he ſhould more eaſily accompliſh his deſigns. But he wiſhed, above all things, for the concurrence of a parliament. It was with this view, that cloſettings were once more put in practice. He cloſetted ſuch as he intended to gain. Promiſes and menaces were employed, and thoſe who refuſed to ſerve the king "in his own way," as the word was, might aſſure themſelves of his heavieſt diſpleaſure. Cloſetting renewed. Echard. III. p. 864. Welwood, p. 188.

However, he neglected not more effectual means to force his ſubjects to compliance. He ordered ſome entire regiments out of Ireland, and filled many vacancies in his Engliſh regiments, with Iriſh and Popiſh officers. This gave ſo great a diſguſt to the whole army, that lampoons and ballads were vented upon the Iriſh, who were mortally hated by the Engliſh, eſpecially ſince the maſſacre in 1641. The king ſends for forces out of Ireland. Ibid. Burnet.

Mean while, that the king's deſigns in augmenting his forces might not be doubted, an addreſs, ſuppoſed to be drawn by a Jeſuit, was procured from the city of Carliſle, particularly, "To thank his majeſty for his royal army, "which really was both the honour and ſafety of the na- "tion; let the Teckelites think and ſay what they would." And upon this occaſion the addreſſers aſſured his majeſty, "That when, in his great wiſdom, he ſhould think fit to The Carliſle addreſs. Gazettes, No. 2348. Echard. III. p. 865.

(d) See State-Tracts, in king William's reign. Tom. I. p. 12—30.

"call

James II. 1688. "call a parliament, they would chuſe ſuch members as "would certainly concur with his majeſty, in taking off "the penal laws and teſts, and not hazard the election "of any perſon, who had any ways declared in favour of "thoſe cannibal laws. Surely, ſaid they, theſe men that "oppoſe your majeſty in ſo gracious and glorious a work, "do not conſider what a ſovereign prince, by his royal "power, may do. A work which heaven ſmiles upon, "and will reward with no leſs a bleſſing, we hope, than "prince of Wales."

Trial of the ſeven biſhops. Burnet. Kennet. State-trials. IV. p. 300.

During the public rejoicings for the birth of the prince of Wales, the archbiſhop of Canterbury, and the other ſix biſhops, priſoners in the Tower, were brought to their trial at the King's-Bench bar the 15th of June. But upon their motion for a delay, the trial was put off to the 29th of the ſame month, and in the mean time they were ſet at liberty upon their own recognizance. The 29th of June, Weſtminſter-Hall was crowded with great numbers of lords, gentlemen, and others, to be ſpectators of this famous trial. The king's counſel pleaded, That the petition preſented by the biſhops was a real and ſeditious libel, tending to diminiſh the king's prerogative, and excite ſedition amongſt the people. The counſel for the biſhops, on the other ſide, retorted the arguments of their adverſaries with great force and freedom; proving, that the king having no power to diſpenſe with penal laws, a petition humbly preſented to remonſtrate to him that he had no ſuch power, ought not to be eſteemed a libel; that it was injurious to the biſhops, to accuſe them of having publiſhed a petition, which they had reſpectfully preſented to the king in private and alone: that the occaſion of preſenting it was not ſought by them, but preſſed upon them: nor could it be called a libel, becauſe the intent was innocent, and they kept within the bounds ſet by act of parliament. After long pleadings on both ſides, the judges, in giving directions to the jury, were not unanimous. There were four, of whom Wright the chief-juſtice, and Holloway, were the king's creatures. Powel was reckoned a man of perfect integrity, and Allybone was a Papiſt. Wright gave his opinion, That the petition preſented by the the biſhops was a libel. Holloway ſaid, That if the jury were ſatisfied that the petition was preſented with no ill intention, but only to ſhow the reaſons of the petitioners diſobedience to the king's command, he could not think it to be a libel. Powel maintained, That the petition could not be a libel, becauſe it was founded upon the king's incapacity

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to diſpenſe with laws, which was very true. Allybone aſ- James II. 1688.
ſerted, That the crime of the biſhops was next door to treaſon (e).

The jury withdrawing, ſat up all night; whether they could not agree, or to render their verdict more ſolemn. The next morning the court being aſſembled, and the Hall [illegible] with crowds of people, the jury pronounced the biſhops Guilty. Immediately ſhouts of joy were heard through [illegible]rd, and the loudeſt acclamations reſounded through the cities of Weſtminſter and London. For ſeveral hours nothing was heard but repeated ſhouts of both cities, tranſported with the news of the biſhops acquittal. Nor was this all. For the king being gone that morning to the army on Hounſlow-Heath, and dining in the earl of Feverſham's tent, the news flew to the camp, where the whole army ſhouted ſo loud, that it ſtartled the king, and his whole company. The earl of Feverſham being ſent to know what was the matter, immediately returned, and told the king, "It was nothing but the ſhouts of the ſoldiers upon the "news of the biſhops being acquitted." "Do you call that "nothing?" ſaid the king, "but ſo much the worſe for "them." Notwithſtanding the reſentment expreſſed by the king, and his ſevere prohibitions againſt all riotous aſſemblies, the whole city was that night illuminated, and numberleſs bonfires proclaimed the general joy. This was followed by almoſt all the great towns in the kingdom, and at Norwich particularly the joy was exceſſive. This was a ſenſible mortification to the king. He at firſt threatened to deliver the biſhops to the eccleſiaſtical commiſſioners, and to ſhow his indignation, he diſmiſſed Sir Richard Holloway and Sir John Powell, and filled their places with others (f).

who are acquitted.

Great rejoicings in the city. Kennet. p. 515. Echard. III. p. 844.

In the army,

and through the whole kingdom.

The king perceiving the people's diſpoſition was not favourable to him, he reſolved at laſt to come to open force.

The king tries the temper of his army. Kennet. p. 516. Echard. III. p. 874.

(e) Allybone's opinion is not here truly repreſented. What he affirmed was, that neither the biſhops, nor any other men, had power to meddle with matter relating to the government. And he confirmed his aſſertion by an inſtance in James I's time, when it was declared to be high miſdemeanor, and next to treaſon, to petition the king to put the penal laws in execution. In which it ſeems he was miſtaken; for the petition referred to, was a petition againſt the penal laws. See State-Trials, Tom. IV. p. 391.

(f) Sir Robert Baldock, one of the king's counſel in this trial, was made judge in the room of the latter; and Sir Thomas Powell of the former. Sir Chriſtopher Milton, one of the juſtices of the Common-Pleas, having about this time his writ of eaſe, was ſucceeded by Sir Thomas Jenner; in whoſe room, and in Sir Thomas Powell's, ſerjeant Ingleby and Serjeant Rotherham were made barons of the Exchequer. Kennet. p. 516.

James II. 1688. But as he could only make uſe of his army, he was willing firſt to try how far he might depend upon their obedience. For this purpoſe, he thought fit to communicate his deſign to every regiment ſingly, not doubting, that if two or three ſubmitted, the reſt would follow their example. Accordingly, the major of the lord Litchfield's regiment was ordered to tell the officers and ſoldiers, that thoſe who were unwilling to contribute to the repeal of the teſt and penal laws, ſhould lay down their arms. But it was with the greateſt aſtoniſhment that he ſaw the whole regiment, two captains and a few Popiſh ſoldiers excepted, inſtantly lay down their arms. He remained for ſome time ſpeechleſs, but at laſt recovering his ſurprize, he commanded the ſoldiers to take up their arms again, and ſullenly told them, "That "for the future he would not do them the honour to aſk "their advice."

Finds it not at all favourable to his deſigns.

It was now eaſy to foreſee, that with a Proteſtant army he ſhould never be able to introduce Popery. Wherefore he reſolved to caſhier many Proteſtant officers and ſoldiers, and to put Papiſts in their room. Accordingly he began with ſome regiments; but it gave a diſguſt to the whole army. Shortly after, reſolving to put thirty Iriſh ſoldiers into the duke of Berwick's regiment, lieutenant-colonel Beaumont, and other officers, remonſtrated to the duke, "That neither thoſe gentlemen nor himſelf thought it "conſiſtent with their honours, to have foreigners impoſed "upon them,——and therefore humbly petitioned, that "they might have leave to fill up their companies with ſuch "men of their own nation, as they ſhould judge moſt ſuitable to the king's ſervice; or otherwiſe, that they might "be permitted, with all imaginable duty and reſpect, to "lay down their commiſſions." An account of this being tranſmitted to the king, he immediately ordered the lieutenant-colonel, and five captains, to be taken into cuſtody, and tried by a court-martial as mutineers. It was at firſt believed, that his intention was to cauſe them to be condemned to die, but ſome news from abroad altered the ſentence, and they were only caſhiered. The fleet was no better diſpoſed than the army to aſſiſt the king in his deſigns. This appeared, in that vice-admiral Strickland ordering maſs to be ſaid on board his ſhip, there aroſe ſuch a mutiny and diſorder amongſt the ſailors, that the officers could hardly ſave the prieſt from being thrown over-board.

Fills vacancies in his armies with Popiſh officers and ſoldiers, but is oppoſed. Hiſt. of the Deſertion in State-Tracts T. I. p. 42. Kennet. p. 516. Echard. III. p. 874.

Sept. 10. The fleet in the ſame temper with the army. Ibid. Burnet, p. 755.

The king's ſituation was ſuch, that it ſeemed he could neither advance, nor recede. His zeal for his religion, his prin-

principles of government, his temper naturally obſtinate, his condeſcenſion to the queen, prieſts, and Jeſuits, who inceſſantly ſurrounded him, allowed him not time to leave his work unfiniſhed. Beſides, he muſt have changed his whole ſyſtem, as well as his whole council, and nothing is more rare than to ſee a prince proceed in that manner, before he is forced to it. But, on the other hand, he could eaſily perceive how far he ſtill was from his end, by the diſpoſition of his ſubjects, his fleet, and his army. He hoped, however, to ſurmount all obſtacles, becauſe, though one part of his people ſhowed a reluctance to ſubmit to his will, another part ſeemed diſpoſed to receive the yoke with ſubmiſſion. James II. 1688.

There were biſhops who had cauſed the declaration for liberty of conſcience to be read in their dioceſes, as the biſhops of Durham, Cheſter, and Rocheſter. Nay, the firſt had ſuſpended thirty of his clergy, for refuſing to read it (a). In Cheſhire, ſome curates, rectors, and others, not contented to read the declaration, preſented alſo an addreſs, wherein they tell his majeſty,——"That if the matter of the declaration were not according to their wiſhes, yet the publiſhing of it was according to their duty, ſince it iſſued "out from the expreſs prerogative of his ſupremacy over "them; ſo that they could not but with trouble of mind "hear of the proceedings of the ſeven biſhops, who, tho' "they tenderly promoted the Diſſenters ſomething, yet re"fuſed to do their part about the declaration, leſt they "ſhould be parties to it, which reaſon the addreſſers eſteem "inſufficient. They therefore, in all ſubmiſſion, become "earneſt, though too mean, interceſſors to his majeſty, in "behalf of the Church of England, that the faults of theſe "and others may not be laid to her charge, in whoſe com"munion there were many, and they hoped there would be "more, who concurred in promoting the purpoſes of his "mild government: and ſo conclude with begging leave to "make their congratulations for the happy birth of the young "prince in his hereditary ſucceſſive kingdom."——

Some biſhops are diſpoſed to come into the king's meaſures. Echard, III. p. 876. Addreſs of the Cheſhire miniſters. Gazettes. No. 2374.

The king, flattered by ſuch addreſſes, and imagining that terror would by degrees oblige his ſubjects to ſubmit to his pleaſure, reſolved to puſh his point at all events. But, on the other hand, he had the mortification to hear, that a ſon of Cartwright, biſhop of Cheſter, who had procured this addreſs, was refuſed to be admitted to a fellowſhip of one

Echard, Ibid.

(a) And amongſt them one of his own chaplains. Echard, Tom. III. p. 876.

James II. 1688. of the colleges at Oxford; and that Gifford, nominated by him to the ſee of that city, was likewiſe denied his doctor's degree.

Order from the eccleſiaſtical commiſſioners concerning the reading of the declaration, Gazettes, No. 2364. Kennet, p. 515. Burnet. p. 744. ſlighted.

But the reſolution taken by the king and his counſel was not to be ſhaken by any obſtacles. Though the ſeven biſhops had been acquitted of the pretended crime laid to their charge, the new eccleſiaſtical court did not think itſelf bound by that precedent. Wherefore, the commiſſioners, by an order made the 12th of July, "Command all chancellors, archdeacons, commiſſaries, and officials, to enquire whether churches and chapels his majeſty's declaration was read, and to tranſmit an account thereof upon the 26th day of Auguſt next." But the greateſt part of thoſe to whom the order was directed, never took any notice of it. The commiſſioners being met on that day, were not a little puzzled how to proceed. At laſt, after a long conſultation, they were contented to renew their firſt order, "Requiring

A ſecond. Gazettes, No. 2375. Kennet, Ibid.

"all perſons having eccleſiaſtical juriſdiction, to tranſmit to "them, upon the 6th day of December next, an account of "the enquiry they are hereby commanded to make in their "viſitations, together with the names of the perſons, rectors, vicars, and curates, that had either obeyed, or diſ"obeyed his majeſty's command." The affairs which happened before the expiration of that term, hindered its being known what the eccleſiaſtical court intended to do, or whether this order would have been better obeyed than the former.

The biſhop of Rocheſter leaves the commiſſioners, and ſends his reaſons. Echard. III. p. 876. Burnet, p. 744.

Doctor Sprat, biſhop of Rocheſter, one of the biſhops of the new eccleſiaſtical court, now thought it time to withdraw. Wherefore he writ to his collegues a letter, wherein he told them: "That ſince their lordſhips were reſolved to "proceed againſt thoſe who had not complied with the "king's command in reading his declaration, it was abſo"lutely impoſſible for him to ſerve his majeſty any longer in "that commiſſion." He proceeds farther and ſays, "That "though I myſelf did ſubmit in that particular, yet I will "never be any ways inſtrumental in puniſhing thoſe my "brethren who did not: for, as I call God to witneſs, that "what I did was merely upon a principle of conſcience, "ſo I am fully ſatisfied, that their forbearance was upon the "ſame principle." This biſhop was one of thoſe on whom the court relied, and therefore his deſection could not but trouble the king extremely. Several have thought, that the principal motive of this proceeding, was to ſcreen himſelf in

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time from the approaching ſtorm, of which he had received ſome intimation. James II. 1688.

After the prince's birth, thoſe who had any concern for their religion or country, ſaw clearly the danger with which both were threatened. It was evident, that the king no longer pretended to govern by the laws of the land, but according to his will and pleaſure. He had ſufficiently diſcovered his intention; ſo that nothing leſs than a total ſubverſion of the government in church and ſtate could be expected. If this did not ſufficiently authorize the moſt conſiderable members of the ſtate to take meaſures for the prevention of ſuch a deſign; it is hard to conceive, what difference there can be between a government, like that of England, limited by laws, and an abſolute monarchy. And yet it cannot be doubted, that the government of England is different from that of moſt other ſtates. I am very ſenſible this point is not without difficulty, and that it is not eaſy in England to fix the limits of the ſubjects obedience. Whilſt the Church of England prepoſterouſly believed, that the king had no deſign to alter the form of the government, but intended only to enlarge his prerogative, inſtead of thinking proper to oppoſe it, ſhe believed it for her advantage, as it might prevent attempts like thoſe which had occaſioned ſo many miſchiefs in the reign of Charles I. The Preſbyterians, the Independents, the Anabaptiſts, had carried the principles of the Republicans ſo far, and drawn ſuch terrible conſequences from them, that after the reſtoration of Charles II, it was thought in ſome manner neceſſary to run into the other extreme, by inveſting the king with a power, which, rightly conſidered, might have had conſequences not leſs dangerous than the Republican-principles. But herein the ſole aim was to curb the Nonconformiſts by the king's authority, without foreſeeing that a time might come, when the king would uſe the power aſcribed to him, againſt all his ſubjects in general, and the Church of England in particular. That time being come under James II, the Church of England opened her eyes, though a little too late, and ſaw that ſhe had been labouring for her own deſtruction, in maintaining and even openly preaching paſſive-obedience without any reſtriction. It was from this doctrine, inculcated ſo carefully, and ſo long upon the minds of the Engliſh, as eſſential to the church, that thoſe ſubmiſſive addreſſes proceeded, which were daily preſented to the king. And indeed, as no bounds had been ſet to paſſive-obedience, many people did not conceive that they could, with a ſafe conſcience, refuſe

James II. 1688. an unlimited obedience to the ſovereign. But at laſt, the danger of the kindom convinced men of ſenſe, that the royal authority was neceſſarily to be bounded, otherwiſe the church and ſtate were going to be ruined.

The Church of England departs from her former principles: and takes meaſures to oppoſe the king.

Such being the ſituation of affairs, ſeveral Church of England men, both of the clergy and laity, thought it time to take meaſures for ſtopping the king's progreſs, and bounding his power. Though they had themſelves carried it very high, they choſe rather to retract, than [illegible] to throw the church and [illegible] continuing to maintain [illegible] conſidered as the principal fountain of the kingdom's calamities.

An union projected between the Church of England and the Presbyterians. Echard. III. p. 875.

The firſt and moſt neceſſary precaution taken by them was to form a ſtrict union between the Church of England and the Nonconformiſts for their common ſecurity. This union was become more eaſy than ever. The two parties agreed, that their diviſions had been the ſole cauſe of their ruin. This was a ſtrong motive for their union. The Churchmen acknowledged, they had carried [illegible] obedience too far, and that it had produced ill effects. They ſhewed a readineſs to comply with the ſcruples of the Preſbyterians, in relinquiſhing the ceremonies which might be conſidered as indifferent, or at leaſt [illegible] every man at liberty to practiſe or not practiſe them. This was all the Preſbyterians could reaſonably expect. In fact, as the Churchmen appeared touched with the calamities occaſioned by their exceſſive rigour, ſo they ſeemed diſpoſed to more condeſcenſion, if things were reſtored to their former ſtate. The Preſbyterians, who had hither to groundleſsly accuſed the Church of England of leaning to Popery, could not forbear acknowledging their error, after the firmneſs of the ſeven biſhops had diſcovered the injuſtice of that accuſation. Theſe diſpoſitions being well managed by the prudent and well-meaning men of both parties, produced at laſt an uniformity of ſentiments, with regard to the principal point in queſtion, namely, That it was abſolutely neceſſary to think of means for the preſervation of religion and the ſtate, from the impending danger. The leading men on both ſides, took great pains to curb the paſſionate, whoſe views were very narrow. In a word, without the king's knowledge, the Whigs and Tories were reconciled, and reſolved to labour jointly for the preſervation of their country. But unfortunately this union ended with the danger. However, it may be affirmed, that this reconciliation of the two parties was

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the moſt fatal blow that could be given to the king's affairs, James II.
ſince his greateſt ſtrength lay in their diviſion. Father Or- 1688.
leans calls this union a league againſt the king. It would
be needleſs to diſpute about this term. The queſtion is only
to know, whether this union, this league, or whatever elſe
it may be called, was contrary to law, to conſcience, or to
the duty which ſubjects owe to their ſovereign. But to de-
cide this queſtion, the government of England muſt be di-
ſtinguiſhed from that of other ſtates, and on pretence of the
name of king, common to ſo many princes, the rights of
one ſovereign not be confounded with thoſe of another, in
order to apply to a king of England whatever is aſſerted of
ſovereignty in general. This was an artifice frequent with
James I. The queſtion therefore is to know, whether,
in ſuppoſing the conſtitution of England ſuch as it appears in
this hiſtory, James II had violated it in the moſt eſſential
parts; whether he had now changed or conſiderably altered
it; whether there was ground to fear an entire ſubverſion;
and whether the Engliſh were obliged to ſuffer it without op-
poſition. Of this the readers may judge, from what they
have hitherto ſeen. But in ſuppoſing even that James II
had changed, or deſigned to change the conſtitution, a ſtrong
objection lay againſt thoſe, who believed it proper to oppoſe
the entire execution of his deſigns; namely, the frequent de-
clarations of the parliament and Church of England, ſince
the reſtoration, that an unlimited obedience was due to the
king. This objection was ſo ſtrongly impreſſed on the
minds of ſome Churchmen, that they could not reſolve to
oppoſe the king's deſigns, becauſe they looked on ſuch oppo-
ſition as an act of rebellion. Nay, many perſiſt in this opi-
nion even to this day, and, with the Papiſts, form the party
of the Jacobites. Happily for England, moſt of the clergy
and laity of the eſtabliſhed church were of a contrary opinion,
and laboured effectually for the preſervation of religion and
the government in conjunction with the Whigs, who made
no ſcruple of uniting with them in the ſame deſign.

The union between the Whigs and Tories being effected, A reſolution taken to call in the prince of Orange.
ſeveral perſons of diſtinction, as well amongſt the clergy as
the laity, began to form a ſcheme for the execution of the
great deſign to preſerve the church and ſtate. They ſaw no
expedient more proper, than to put the prince of Orange at
the head of the party againſt the king. That prince was ſo
intereſted in the affair, that it was not doubted he would
contribute whatever lay in his power, both to ſave England,
and ſecure the ſucceſſion to the princeſs his wife, lately de-

Kennet. P. 745, &c.

James II. 1688.

feated of her right by a prince, who generally paſſed for ſuppoſititious. Theſe were very powerful motives to actuate the prince of Orange. But there was ſtill another, which was naturally to have a great effect upon him; namely, the extreme danger to which Holland would be expoſed, in caſe the king accompliſhed his deſigns, by reaſon of the cloſe union between the kings of England and France, &c. It was with this view that ſeveral great men timely repaired to the Hague, on divers pretences, to confer with the prince of Orange. The firſt were, Mr. [illegible] (brother to Algernoon Sidney, beheaded in the laſt reign) afterwards earl of Rumney, Sir Robert Peyton, Sir Rowland Gwyn, Dr. Burnet, and others. It is to be preſumed, that advances were tranſmitted from them to their friends in England, of the good inclination of the prince to the common cauſe. In July, one Joſeph Fligh, brought over into England about fourſcore letters from perſons of quality and credit, and carried back anſwers to the Hague. The [illegible] being thus gun, the old lord Wharton pretending a journey into Germany, paſſed thro' the Hague. [illegible] Sidney, uncle to the earl of Sunderland, went to the Spaw on pretence of only drinking the waters. The lord Dumblain, ſon to the earl of Danby, and commander of an independent frigate, croſſed and re-croſſed the ſeas to carry diſpatches and reſolutions. The earl of [illegible] mortgaged his eſtate for forty thouſand pounds, and went over to the prince to offer him both his purſe and ſword. He was quickly followed by admiral Herbert, his couſin Mr. Herbert, Mr. Ruſſel, the lord Mordaunt, and the earl of Wiltſhire. The principal perſons with whom they held correſpondence in England, were, the earls of Danby, Devonſhire, and Dorſet, the lords Lovelace and Delamere, the duke of Norfolk, the marquis of Halliſax, his ſon the lord Eland, the marquis of Wincheſter, his ſon the lord Rawlet, the lord Willoughby ſon to the earl of Lindſey, Mr. Leſter, Mr. Hampden, Mr. Powle, and many others, beſides ſeveral eminent citizens of London (b).

Several Engliſh noblemen and gentlemen go over to him. Kennet. p. 518. Burnet. p. 762, &c. Echard. III. p. 879.

The Engliſh lords apply to the States-General; Echard. III. p. 880.

The prince of Orange being fully determined to head the party, it was, after ſeveral conſultations, reſolved, that the Engliſh lords at the Hague ſhould demand aſſiſtance of the States, in the name of all England. But to prevent the ſecret from being divulged, they applied at firſt only to per-

(b) As alſo the lord Churchill, afterwards duke of Marlborough, colonel Trelawny, and colonel Kirk. Burnet, p. 764.

ſons

ſons of the greateſt credit and influence, who promiſed to uſe all their intereſt, at a proper time, to promote the deſign. There was no need of many arguments to prevail with the States to aſſiſt the diſtreſſed Engliſh. They were equally concerned in the affair with the Engliſh themſelves; for the ruin of Holland would doubtleſs have ſoon followed the ſlavery of England. Of this the deſigns of Lewis XIV, and his union with James II (c), left no room to doubt. All the difficulty lay in making preparations, in concealing the deſign of them, in raiſing forces in the room of thoſe which the prince ſhould lead into England, and in ſecuring a timely relief, in caſe the king of France ſhould attack Holland. But all theſe things were taken care of, with great addreſs and ſecrecy. The difference at that time, about the election of an archbiſhop of Cologne, between prince Clement of Bavaria and the cardinal of Furſtemburg, furniſhed the States with a pretence to aſſemble an army near Nimeguen. On the other hand, the prince of Orange, by his intrigues, prevailed to have the direction of affairs then on the carpet, committed to the management of three or four members of the States, on pretence of the correſpondents the count d'Avaux, the French Ambaſſador, had in Holland, who might inform him of their reſolutions. Theſe commiſſioners, all of the prince of Orange's confidence, under colour of the Cologne affair, gave orders for incamping an army and preparing a fleet. At laſt, the prince of Orange, on pretence of providing for a war againſt France, which ſeemed to be near, had an interview at Minden in Weſtphalia, with the electors of Saxony and Brandenburgh, the princes of the houſe of Lunenburg, and the landgrave of Heſſe-Caſſel, and ſecured their aſſiſtance, in caſe France ſhould attack Holland or the Low-Countries, while he was engaged in the Engliſh expedition. All this was tranſacted with ſuch ſecrecy, that the ambaſſadors of France and England at the Hague could get no certain intelligence. They were forced to recur to conjectures, tho' the firſt had uſually been informed of the reſolutions of the States, as ſoon as they were taken.

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are favourably heard.

The affair of Cologne made uſe of to cover the deſign upon England. Burnet. p. 757.

Meaſures of the prince of Orange.

Echard. III. p. 881.

When the prince of Orange had ſecured to the States, in caſe of need, the aſſiſtance of theſe princes, he concerted his expedition with ſuch prudence and ſecrecy, that his ſcheme was not known till after the execution; namely, that the States, under colour of being ready to ſupport the

His plan.

(c) See State-Tracts, in king William's reign. Tom. I. p. 37, &c.

James II. 1688. election of the prince of Bavaria, ſhould form a camp on the heath near Nimeguen, a place too remote from the ſea, to give any ſuſpicion that theſe troops were deſigned for an imbarquement: that a fleet of fifty men of war ſhould be prepared, with a ſufficient number of tranſports for the imbarkation of twelve or thirteen thouſand men: that to prevent the alarm which theſe tranſports might give the merchants of Amſterdam, Rotterdam, and other maritime places, ſhould freight as many as they could on divers pretences: that theſe ſhips ſhould repair to ſeveral ports at a time aſſigned, to take the forces on board, and proceed to the Gorce, where the men of war ſhould expect them: that the prince of Orange ſhould put himſelf on board this fleet, and at his landing in England, the Engliſh perſons of quality, by whom he was invited, ſhould ſupply themſelves into divers parts of the kingdom, to excite inſurrections, and levy troops, while the prince with his little army ſhould make head againſt the king. It was not doubted, but the prince's army would conſiderably increaſe when he ſhould be in England, and the people in general be ready to ſecond the efforts of thoſe, who were labouring for their deliverance. This whole ſcheme was executed in the manner it had been reſolved, without the ambaſſadors of England and France being able to learn any thing certain. They conjectured, however, by the naval preparations, that ſomething was ſecretly contriving againſt England. Indeed it was difficult to prepare four or five hundred tranſports and fifty men of war ſo privately, that they ſhould have no intelligence from their ſpies. The count D'Avaux failed not to ſend his conjectures to the court of France, which were immediately tranſmitted to England. Moreover, Mr. Skelton, king James's envoy at the Hague, had before informed him of an intercepted letter, which intimated that a great project was ſecretly carrying on againſt him. But the king was then ſo ſecure of ſucceſs, that he neglected this intelligence, believing it only an artifice to divert him from his deſigns.

Advice ſent from France to king James; Echard. III. p. 887.

is neglected by him.

A little before, Mr. Budé de Verace, a Proteſtant of Geneva, gentleman-uſher to the princeſs of Orange, having been diſmiſſed, was returned to his own country. When he heard of the great preparations in Holland, he went to Mr. Skelton, then envoy at Paris, that he had things to communicate to the King of England, that were of no leſs concern than his crown, but would not diſcover the ſecret to any but the king himſelf; and that if his majeſty would let him know

Skelton's advice neglected by the earl of Sunderland. Kennet. p. 518. Echard. III. p. 882.

know his pleaſure, he would immediately repair to London. Skelton was not wanting to give information to the court of England, and to repeat it by five or ſix letters. But no notice was taken of it, whether through a too great ſecurity, or that the earl of Sunderland, to whom the letters were addreſſed, did not think proper to communicate them to the king. James II. 1688.

Mean while, as the armament in Holland could hardly be concealed any longer, and the king receiving repeated advices of it, he judged it convenient, at all events, to flatter the people with the expectation of a parliament. So, the 24th of Auguſt, he declared in council his intention to call a parliament for the 27th of November, and the chancellor had orders to iſſue out the writs the 5th of September. However, the writs were not ſent, which gave occaſion to think, the king only deſigned to amuſe the public. The king orders writs for calling a parliament. Echard. III. p. 884.

The next day, Mr. de Bonrepos arrived at London from Paris, and had ſeveral conferences with the king. It is pretended, that he offered him, from the king of France, a fleet, and an army of thirty thouſand men, but that the earl of Sunderland prevented the offer from being accepted. He is ſaid to repreſent to the king, "That it would be very dangerous "to introduce a foreign army into England, at the very time "he was preparing to hold a parliament: That he would "entirely loſe the hearts of his ſubjects, and even of thoſe "who were moſt devoted to him: That if the French ſhould "have a mind to render themſelves maſters of the kingdom, "he would find but very few who would join to deliver him "from ſuch troubleſome gueſts, and that in accepting ſo "powerful an aid, he would quickly become only a viceroy "to Lewis XIV." Some have pretended, that this advice was evident treachery in the earl of Sunderland, who was gained by the prince of Orange. But this accuſation reſts only upon the ill ſucceſs of the king's affairs afterwards, and upon the ſuppoſition that he would have ſucceeded in his deſigns; had the king of France's offer been accepted. However, the king refuſed the aid, becauſe he thought it unneceſſary, and yet it is pretended, that he made at this very time a new alliance with Lewis, but which was never publiſhed. Rejects the offers of France. Ibid. Kennet, p. 518. Burnet, p. 767. A new treaty with France. Burnet, p. 768.

In the mean time, the king hearing from ſeveral parts, that an armament was making in Holland, he ordered the marquis of Albyville, his ambaſſador, to preſent a memorial to the States, to demand what they meant by their warlike preparations, eſpecially by ſea, at that time of the year. The States anſwered, That they armed in imitation of his Britannick majeſty, and might with more reaſon demand an explanation about Memorial of the marquis of Albyville to the States, Aug. 23. Kennet, p. 518. Their anſwer.

James II. 1688. about the alliance into which he was lately entered. This answer increasing the king's suspicions, he now began to take the necessary measures for putting himself in a posture of defence. With this view, he gave the governments of Portsmouth and Hull, the two keys of the kingdom, to Papists, and took care to have the majority of the officers and soldiers of these garrisons of that religion.

State-Tracts, T. I. p. 41, 42. Burnet, p. 768. R. Coke.

After all, he could not yet believe [illegible] would venture to attack him. He [illegible] army, though he had [illegible] disaffection. The court of France [illegible] cause of so strange an indolence; nay, was [illegible] to answer the question so often asked, why the king [illegible] refused the assistance of France? He could only say, that he had no orders about it. At last, at a conference one day with Monsieur de Croissy upon [illegible], he told him it was his private opinion, that if France would threaten to attack the States-General, in case any thing was attempted against them against the king of England, [illegible] break all the prince of Orange's [illegible] France approving of this proposal, [illegible] sented a memorial to the States [illegible]

The king puts himself upon his guard. Echard. III. p. 885. But continues to flatter himself. Skelton's advice to the court of France. Id. p. 886. R. Coke.

Memorial from Comte D'Avaux to the States-General. State-Tracts, T. I. p. 41. Kennet, p. 518. Burnet, p. 768.

"That all circumstan[illegible] believe, with reason, [illegible] England, therefore [illegible] declare to them, on his part, [illegible] ship and alliance betw[illegible] tain, would oblige him [illegible] look on the first act of hostility, that should be committed by their troops or their fleet, against his majesty of Great Britain, to be a manifest rupture of the peace, and a breach with his crown."——The States, after an ambiguous answer to this memorial, demanded of the marquis of Albyville the meaning of the new alliance between the two kings. The same demand was made to the court of England by the States ambassador, Van Citters, to whom they sent a copy of the memorial. Whereupon the king summoned a council, and by the earl of Sunderland's means it was resolved, to disown the proceedings of the count D'Avaux. This resolution was immediately communicated to the ambassador of the States, and to all the King's ministers in foreign courts. Moreover, to convince the public, that the king was not concerned in the memorial presented by the count D'Avaux, Skelton was recalled, and immediately sent to the Tower.

Disowned by James. Kennet. Ibid.

State-Tracts, T. I. p. 42.

On

On this occaſion, the earl of Sunderland reaſoned upon the ſame principle advanced by him, when the aſſiſtance offered by France was in debate. It cannot be denied, that his reaſons appeared plauſible to the king. But it is ſuppoſed by ſome, that the king was deceived, and that it was not poſſible for the earl of Sunderland to be deceived alſo. Wherefore they aſcribe his counſels to an expreſs deſign of betraying his maſter. Thoſe who talk thus, are, 'tis likely, very ſorry the king did not follow the contrary opinion, and embrace the offer of France. They are perſuaded, in that caſe, the prince of Orange's meaſures would have been diſconcerted, his undertaking relinquiſhed, and the king, with the aſſiſtance of thirty thouſand men, been abſolute maſter of his kingdom. But it muſt be conſidered, that this is ſuppoſing an uncertain event; that the prime miniſter's advice preceded the king's diſaſter ſome months; and, to accuſe him of an intention to betray the king, it muſt be ſuppoſed, that he could have foreſeen what the king himſelf did not: in a word, that he was ſecretly engaged with the prince of Orange, of which however there is no poſitive proof. The moſt plauſible ground of ſuſpicion againſt him is, his admiſſion into that prince's council and confidence, when on the throne. But he was not the only miniſter of king James, who was thus favoured by king William. It is however certain, though the earl of Sunderland embraced the Popiſh religion, he was, and ſtill is, ſuſpected by the Papiſts. There are even Proteſtants, who owning that he betrayed his maſter, count this pretended treachery an honour to him, ſince it tended to the good of the kingdom.

James II. 1688.

Suſpicions againſt the earl of Sunderland. Orleans. Echard. III. p. 886.

Though the king, as I ſaid, had ordered writs to be iſſued out for a new parliament, the order had not been executed. This appears clearly in a proclamation of the 21ſt of September, wherein the king ſuppoſed the elections were not yet begun. It imported:

"That his Majeſty having already ſignified his pleaſure to call a parliament, leſt thoſe whoſe right it was to chuſe members, ſhould lie under any prejudices and miſtakes, through the artifices of diſaffected perſons, he thought it fit to declare, that as it was his royal purpoſe to endeavour a legal eſtabliſhment of an univerſal Liberty of Conſcience for all his ſubjects, as was alſo his reſolution inviolably to preſerve the Church of England, by ſuch a confirmation of the ſeveral acts of uniformity, that they ſhould never be altered any other ways than by repealing the ſeveral clauſes, which inflict penalties upon perſons not promoted, or to be

A proclamation about a new parliament. Gazette, No. 2384. Hiſt. of the Deſert. in State-Tracts, T. I. p. 43.

"promoted

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" promoted to any ecclesiastical benefices within the meaning " of the said acts, for exercising their religion contrary to the " purport of the said acts of uniformity. And that for the " further securing, not only the Church of England, but the " Protestant religion in general, he was willing the Roman " Catholics should remain incapable to be members of the " house of commons; whereby those fears and apprehensions " would be removed, which many persons had had, ' That " the legislative authority would be engrossed by them, and " turned against Protestants.'

Produces no great effect.

This proclamation was too obscure [illegible] to produce any great effect. There was even a manifest contradiction in the design to repeal the penal laws, and at the same time to preserve the acts of uniformity. Besides, the king spoke only of excluding Papists from the house of commons, and not from that of the lords; but what still more plainly discovered the king's intention to amuse the people, was, that the writs for a new parliament were not issued.

In the mean time, having received so many concurrent advices of the prince of Orange's design, he [illegible] sions for augmenting his forces, and [illegible] out of Ireland. At the same time, he ordered the fleet to be equipped with all expedition. Monsieur Barillon, the French ambassador, proposed that the king [illegible] should be desired to abandon the siege of Philippines, undertaken by the dauphin, and carry the war into Holland. This proposal was approved by several of the council, but opposed by others, on pretence that such a proceeding would alienate the minds of all the English Protestants from the king. This reason prevailed the more easily, as the prince of Orange's friends had spread a report, that the armament of Holland was only designed to prevent the French from landing in England.

Proposals from the French ambassador rejected. Kennet, p. 519. Echard. III. p. 887.

The earl of Feversham made general. Echard. III. p. 887.

At last, the King, as he could no longer doubt the prince of Orange's intention, appointed the earl of Feversham to command his army, after that post had been declined by the count de Roye. The command of the fleet was given to the lord Dartmouth. As the king was not ignorant how prejudicial to him was the report of his strict alliance with Lewis XIV, he used his utmost endeavours to stifle it. For this purpose, he ordered the marquis of Albyville to present a memorial to the States, to assure them from him, that there was no other treaty between him and France than those that were public. He moreover offered the States to take such measures with them, as might best serve to maintain the peace of Nimeguen, and the twenty years truce concluded in 1684.

King James disowns the treaty with France. October 5. Id. p. 888. Kennet, p. 519. Gazettes, No. 2386.

But

But the States, whether better informed than the king imagined, or for other reaſons, took no notice of the memorial. On the contrary, the penſionary of Holland frankly owned to the marquis of Albyville, that the prince of Orange being invited by the Engliſh nobility, was preparing to carry them aſſiſtance for reſtoring the government to its ancient ſtate, the king having entirely changed it ſince his acceſſion to the crown. James II. 1688. The prince's expedition declared. Echard. III. p. 888.

It ſeems that the king had hitherto preſerved ſome hope, either that the States had ſome other deſign, or that the prince only intended to deter him from finiſhing his work. But after this advice received from his ambaſſador, who added, that many Engliſh were at the Hague ready to accompany the prince in his expedition, he diſcovered the utmoſt conſternation, as well as his whole council. Indeed, it was eaſy to conceive, that the prince had projected this undertaking, upon private aſſurances of encouragement from the Engliſh. This reflection made the king begin to ſee the great diſproportion between the number of the Proteſtants, and that of the Papiſts, and conſequently the ſmall hopes of being ſupported by the latter. In theſe melancholy thoughts, he believed his beſt refuge was to recover the Church of England to his intereſt. He ſtill reckoned, ſhe was unſhaken in her principle of paſſive obedience, and that by giving her ſome ſatisfaction, he ſhould ſecure her allegiance, after which, he ſhould have no further cauſe to fear the efforts of the prince of Orange. To this end, he ſent for the biſhops that were then in London, namely, Wincheſter, Chicheſter, Peterborough, Rocheſter, Ely, Bath and Wells, and told them, that he deſired their advice in the preſent conjuncture. He aſſured them of his readineſs to do whatever ſhould be thought neceſſary for the ſecurity of the Proteſtant religion and the liberties of his ſubjects, without derogating from his own prerogative. He concluded with ſaying, this affair required a mature examination, and therefore prayed them to conſult together, in order to give him their advice. The biſhops withdrew, and immediately repaired to Lambeth, to form, with the archbiſhop, (then indiſpoſed) a plan of what they were to counſel the king. The king in a conſternation. reſolves to conſult the biſhops. Kennet, p. 520. Echard. III. p. 889.

The 28th of September, the king publiſhed a proclamation to inform his ſubjects, "That his Majeſty had received undoubted advice, that a great and ſudden invaſion from Holland with an armed force of foreigners, would ſpeedily be made in an hoſtile manner upon this kingdom; and although ſome falſe pretences, relating to liberty, property, Proclamation againſt the prince of Orange's invaſion. Gazettes, No. 2386.

" and

James II. 1688. " and religion, contrived and worded with art and ſubtlety; " might be given out, it was manifeſt, however, that no leſs " matter by this invaſion was propoſed, ' than an abſolute " conqueſt of theſe his Majeſty's kingdoms, and the utter " ſubduing and ſubjecting them, and all his people, to a fo- " reign power,' which was promoted by ſome of his ſubjects, " being perſons of wicked and reſtleſs ſpirits, implacable ma- " lice, and deſperate deſigns; who having no ſenſe of the " miſery of former [illegible] divisions, [illegible] " majeſty's reiterated [illegible] " deavour to embroi[illegible] " gratify their own [illegible] " ſelves a prey and [illegible] " tho' his majeſty ha[illegible] " ring againſt him, [illegible] " ſuccours, but rath[illegible] " ancient courage, [illegible] " with whom he ha[illegible] " of this nation, and [illegible] " he was firmly reſo[illegible] " majeſty ſolemnly [illegible] " moſities, jealouſies [illegible] " fully to unite toge[illegible] " native country.— " carried on with al[illegible] " ſurprize and deceiv[illegible] " wanting on his pa[illegible] " come him, and m[illegible] " a poſture, that h[illegible] " their raſh and unjuſt [illegible]

State-Tracts. T. I. p. 44. Echard. III. p. 889.

majeſty declared, " That he did intend to have met his par- " liament in November next, and that the writs were iſſued " forth accordingly, propoſing to himſelf, amongſt other " things, That he might be able to quiet the minds of all " his people in matters of religion, but that in regard of this " ſtrange attempt, deſigned to divert his ſaid gracious pur- " poſes, he found it neceſſary to recall his foreſaid writs, " &c. "——

Kennet, p. 519, 520. The biſhop of London reſtored, and a new lord-mayor appointed. Gazettes, No. 2388.

Tho' the king pretended an entire reliance on the allegiance of his ſubjects, he knew however he had given them too much cauſe of diſcontent, to be aſſured of their affection. Wherefore, he thought it neceſſary to give them other proofs of his ſincerity than bare words. To this end, he took off the biſhop of London's ſuſpenſion, and appointed Sir John Chapman, a churchman, to ſucceed Sir John Eyles, the preſent

ſent lord-mayor of London, who was an Anabaptiſt. More- James II.
over, being informed that the biſhops would adviſe him to 1688.
reſtore the city-charter, he ſent for the lord-mayor, alder-
men, and ſheriffs, and told them, "That he reſolved to re- The king promiſes to reſtore the city-charter. Gazettes, No. 2387. State Tracts T. I. p. 45. Echard. III. p. 890.
"ſtore to them their ancient charter and privileges, and put
"them into the ſame condition they were in at the time of
"the judgment pronounced againſt them, upon the Quo
"Warranto." The ſame day, the 2d of October, he pub-
liſhed a general pardon by proclamation, out of which were
excepted, Robert Parſons, Edward Matthews, Samuel Ven-
ner, Andrew Fletcher, colonel John Rumſey, major John
Manley, Iſaac Manſey, Francis Charleton, John Wildman,
Titus Oates, Robert Ferguſon, Gilbert Burnet, Sir Robert
Peyton, Laurence Braddon, Samuel Johnſon, Thomas Tip-
ping, and Sir Rowland Gwynne. But all this was not capa-
ble to ſatisfy the people, who aſpired to a more ample and
more certain deliverance.

The day after, the 3d of October, the archbiſhop of Can-
terbury, attended by eight biſhops, repaired to Whitehall,
and was admitted to an immediate audience. After a ſhort
ſpeech, he preſented to the king the reſult of their conferences State Tracts T. I. p. 46. Kennet, p. 520. Burnet, p. 784.
drawn up in ten articles, which were ſo many advices, and
withal, reproaches upon his paſt government. Theſe advices
were:

I. "To put the whole management of his government,
"in the ſeveral counties, into the hands of ſuch of the nobi-
"lity and gentry there, as were legally qualified for it.

II. "To annul his commiſſion for eccleſiaſtical affairs;
"and that no ſuch court be erected for the future.

III. "That no diſpenſation might be granted or conti-
"nued, by virtue whereof any perſon not duly qualified by
"law, had been put into any place, office, or preferment in
"church or ſtate, or in the univerſities, or continued in the
"ſame, eſpecially ſuch as had cure of ſouls annext to them;
"and particularly, that he would reſtore the preſident and
"fellows of St. Mary Magdalen college in Oxford.

IV. "To ſet aſide all licences or faculties, by which any
"perſons of the Romiſh communion might pretend to be
"enabled to teach public ſchools.

V. "To deſiſt from the exerciſe of his diſpenſing power,
"and to permit that point to be calmly and freely debated,
"and finally ſettled in parliament.

VI. "To inhibit the four foreign biſhops, who ſtiled
"themſelves Vicars Apoſtolical, from farther invading the

"eccle-

James II. 1688. "ecclesiastical jurisdiction, which by law was vested in the "bishops of the Church of England.

VII. "To fill the vacant bishoprics, and other ecclesiasti-"cal promotions, within his gift, both in England and Ire-"land, with men of learning and piety: and in particular, "(which the archbishop owned to be his peculiar boldness, "since it was done without the privity of his brethren) "'forthwith to fill the archiepiscopal see of York (which "had so long stood empty, and upon which a whole province "depended) with some very worthy person;' for which he "was so bold to say, his majesty had then before him a very "fair choice,'

VIII. "To supersede all further prosecutions of Quo Warranto's against corporations, and to restore to them their "ancient charters and privileges, which they had got "into his heart for the city of London, which they intended "otherwise to have made one of their principal reports.

IX. "That writs might be issued out with convenient "speed, for calling a free and regular parliament, in "which the Church of England might have [illegible] "to the acts of uniformity, provided [illegible] for a "due liberty of conscience, and for [illegible] the bodies and "properties of all his subjects, and a [illegible] "might be established between his majesty and all his peo-"ple.

X. "Above all, That his majesty would be pleased to "permit his bishops, to offer such motives and arguments, "as (they trusted) might, by God's grace be effectual to "persuade his majesty to return to the communion of the "Church of England, into whose most holy catholic faith "he was baptized, in which he was educated, and to which, "it was their daily earnest prayer to God, that he might be "re-united."

These advices clearly show, that what has hitherto been seen concerning king James's government, is not grounded upon calumnies spread by his enemies. For how, on the 3d of October (a month before the prince of Orange's arrival, and at a time when the events were yet uncertain) could these nine bishops conspire together to reproach the king with a violation of the laws in all these articles, under colour of giving him counsel? Besides, these advices agree, for the most part, with the prince of Orange's declaration, signed at the Hague, at the very time the bishops were consulting together at London. In short, the king's proceedings two days after, invincibly prove the truth of these facts. So, the advocates

Sprat's letter.

for

for king James can only plead, either that he had a right to act as he did, or, though he had no such right, his subjects were bound to submit to his will. But this is not the place to examine these questions. James II. 1688.

The king perceiving that a refusal to comply with the advice of the bishops, would only increase the people's jealousy, resolved, though probably with regret, to redress most of the grievances complained of. For this purpose, the commission for ecclesiastical causes was dissolved. The next day, the lord chancellor had orders to carry back in person the charter of London. The lord-lieutenants of the several counties were required to inform themselves of the abuses and irregularities committed in the late regulations of corporations, in order to redress the same. The bishop of Winchester, visitor of Magdalen college in Oxford, was ordered to settle that society regularly, and according to their statutes. A proclamation was issued out for restoring corporations to their ancient charters, liberties, rights, and franchises. The lord-lieutenants were displaced in several counties. Popish justices of the peace, mayors, recorders, and other magistrates, were removed, and Protestants put in their places. Thus, in the space of about twelve days, that formidable fabric was in effect, or in a great measure demolished, which the Romish cabal had spent near four years in erecting. King James takes some steps towards the redress of grievances. October. Gazettes. No. 2385, 2388, 2389, 2390, 2391. Echard. III. p. 892. Kennet, p. 519, 522. State Tracts, T. I. p. 48.

But all these proceedings were not capable to restore the king to the confidence of his subjects, because they came too late, and seemed rather the effect of necessity than inclination. No other motive could be imagined of the king's destroying his own work, than his fear of being deserted on the arrival of the prince of Orange, who was daily expected. Whence it was inferred, that the king's condescension would last no longer than the danger. What had been only suspected, was was soon found to be true. The bishop of Winchester, pursuant to the king's order, having caused a citation to be fixed on the gates of Magdalen college, to recall Dr. Hough and the ejected fellows of that society, upon the news of the dispersion of the prince's fleet by a tempest, was recalled on some frivolous pretence, and the restoration of the college deferred. But afterwards, the news proving false, the king resumed his pretended affection for the university, and the college was restored. This extremely prejudiced the king, as it manifestly showed, that in his late changes in favour of the Protestants, his aim had been only to amuse them, till he should be able to retract. Such as had fallen into the snare, and believed the king to have acted with sincerity, lost all their Gives occasion for new suspicions. Kennet, p. 522. Burnet, p. 784. Nov. 24.

James II. 1688.

former confidence in him. So, James ſaw himſelf at once reduced to the aſſiſtance of his Popiſh ſubjects alone, who were incapable to reſtore his ſinking affairs.

Augments his forces. Echard. III. p. 895.

As all his hope was placed in his army, he applied himſelf, as far as lay in his power, to augment and ſtrengthen it with troops, which ſhould wholly depend on him. In obedience to orders already given, two thouſand five hundred men landed at Cheſter from Ireland, and three thouſand Scots were advanced to Carliſle. Beſides this, new commiſſions were granted (a), for levying ten regiments of horſe [illegible] to mention ſeveral independent companies [illegible]

State Tracts, T. I. p. 47.

Takes new precautions, October 20. Gazettes, No. 2392.

had orders to be in readineſs to march [illegible] tion was publiſhed, commanding all horſes [illegible] to be driven and removed to the diſtance of [illegible] from the places where the enemy ſhould attempt [illegible] This was all he could do. But it was [illegible] cauſe his ſubjects to ſecond him with affection, [illegible] to ſerve him faithfully. Accordingly, it was not upon [illegible] army of thirteen or fourteen thouſand men that the prince of Orange relied, but upon the diſpoſition of the people, who impatiently expected his arrival. Without this [illegible] army would not have been capable of reſtoring England.

Shuts up the Popiſh chapels. Echard. III. p. 893.

In the mean time, the people of London grew more violent, by the hopes of the prince's coming, and began to inſult the Popiſh chapels; wherefore the king ordered them to be ſhut up, for fear of an inſurrection in ſo dangerous a conjuncture. On the other hand, many Romiſh priests and Jeſuits, perceiving the gathering ſtorm, and preſaging nothing good from the diſpoſition of the people, and the court's conſternation, began gradually to diſappear, and to conſult their own ſafety by a timely retreat into foreign parts.

The prince of Wales baptized. October 15. Gazettes, No. 2391.

In the midſt of all theſe diſtractions, the king cauſed the prince of Wales to be ſolemnly baptized; the pope, repreſented by his nuntio, being godfather, and the queen-dowager godmother. Father Saban officiated, and named him James-Francis-Edward.

State Tracts, T. I. p. 1, &c.

At the ſame time the court received a pamphlet, publiſhed in Holland, and entitled, "A Memorial of the Engliſh Proteſtants, preſented to their Highneſſes, the prince and princeſs of Orange." It was aſcribed to Dr. Burnet, or major Wildman, wherein, after a long narrative of the grievan-

(a) Particularly to Henry Cavendiſh, Duke of Newcaſtle; to the lord Brandon; to the marquis de Miremont, nephew to the earl of Feverſham; to colonel Henry Gage, and colonel Solomon Richards. Gazettes, No. 2387.

ces

ces of the nation, the author complained of king James's obliging his subjects to own a supposititious child for the prince of Wales, adding, "That his majesty would never suffer "the witnesses that were present at the queen's delivery to be "heard and examined." The king was no stranger to the suspicions entertained by the people on this account, but hitherto had pretended to be ignorant of, or at least to despise, them. He perceived, however, that on this occasion, he could not, without great prejudice to himself, help answering so public a challenge. He therefore held an extraordinary council the 22d of October, to which were called the queen-dowager, all the lords spiritual and temporal then in town, the lord-mayor and aldermen of London, the judges, and several of his majesty's learned council. All these being assembled, the king told them, "He had called them together "upon a very extraordinary occasion; but that extraordinary "diseases must have extraordinary remedies: That the mali- "cious endeavours of his enemies had so poisoned the minds "of some of his subjects, that by the reports he had from all "hands, he had reason to believe, that very many did not "think this son, with which God had blessed him, to be "his, but a supposed child. But, he might say, that by a "particular providence, scarce any prince was ever born, "where there were so many persons present. That he had "taken this time to have the matter heard and examined "there, expecting that the prince of Orange, with the first "easterly wind, would invade this kingdom: And as he had "often ventured his life for the nation before he came to the "crown, so he thought himself more obliged so to do now "he was king, and did intend to go in person against him, "whereby he might be exposed to accidents; and therefore "he thought it necessary to have this now done, in order to "satisfy the minds of his subjects, and to prevent the king- "dom's being engaged in blood and confusion after his death: "That he had desired the queen-dowager to give herself the "trouble to come hither, to declare what she knew of the "birth of his son; and that most of the ladies, lords, and "other persons who were present, were ready to depose upon "oath their knowledge of the matter."

James II. 1688.

The king calls an extraordinary council to prove the birth of the prince of Wales. His speech to them. Echard. III. p. 893. Burnet, p. 785.

After this speech, depositions were taken, first of the queen-dowager, who only said, "That she was in the room when "the queen was delivered," without any thing more positive or particular. After her followed forty witnesses, of which seventeen were Papists, and it was begun with proving, that the queen was brought to bed while many persons were in the

Depositions taken.

James II. 1688. room. To this tended the teſtimonies of the eighteen lords who accompanied the king thither. This proof ſignified nothing, or was very ambiguous. It was well known, there were a great many perſons in the room at the time the queen was ſaid to be delivered; which doubtleſs, was all that was meant by this proof. But it was not ſufficient to prove the reality of the delivery. Some of the ladies depoſed, that they ſaw the child ſoon after in the arms of the midwife. [illegible] in the council durſt put any queſtions to the [illegible] concerning ſeveral circumſtances, theſe general depoſitions were incapable to remove all ſuſpicions. The midwife depoſed poſitively, that ſhe took the child from the queen's body. The

Burnet, p. 785. counteſs of Sunderland depoſed, that the queen called her to give her her hand, that ſhe might feel how the child lay, "which (added ſhe) I did," but ſhe did not ſay whether ſhe felt the child or not. The biſhop of Salisbury adds, That the counteſs of Sunderland told the duchess of Hamilton, (from whom he had this particular) that when ſhe put her hand into the bed, the queen held it [illegible] than her breaſts, ſo that really ſhe [illegible] dies depoſed, That they had often ſeen the marks [illegible] the queen's linen near her breaſts. Two or three depoſed, That they ſaw it running out at the nipple. As to what is remarkable, none of theſe ladies named the time in which they ſaw the milk, except one, who named the month of May. Now if it be true, as was before related, that the queen was really with child till the ninth of April, and that ſhe miſcarried that day, all that was mentioned of milk in the queen's breaſts, particularly by her that fixed it to the month of May, might have followed upon that miſcarriage, and be no proof concerning the late birth. Mrs. Pierce the laundreſs depoſed, That ſhe took linen from the queen's body once, which carried the marks of a delivery. The biſhop objects here, that it is ſtrange ſhe ſhould ſpeak only to one time. The lady Wentworth was the ſingle witneſs that depoſed, That ſhe had felt the child move in the queen's belly, but ſhe fixed it to no time.

Remarks upon theſe depoſitions. In general, this briefly is the uſe that may be made of the ſuſpicions mentioned by ſeveral authors, and of theſe depoſitions, namely, There being three caſes, in none of which the two parties agree, the depoſitions are not applicable to any of the caſes, without being contradicted by thoſe who maintain one of the other two caſes. Let us take, for inſtance, the two depoſitions, which, next to that of the midwife, appear moſt convincing, namely, That of the lady who had

ſeen

ſeen milk run from the queen's breaſts; and that of the lady Iſabella Wentworth, who had felt the child in the womb. These two teſtimonies are ſufficient againſt thoſe who maintain, that the queen was not with child from January, the time of her declared pregnancy, to the 10th of June, the time of her delivery. But they are inſufficient againſt thoſe who pretend ſhe was really with child, from the 6th of October to the ninth of April, when ſhe had a miſcarriage, for the reaſons before mentioned. To be able therefore to give a certain judgment concerning the birth of the prince of Wales, it is neceſſary, 1. That facts ſhould be agreed in, I mean, whether it be true, that the queen was really with child, and that ſhe had a miſcarriage. 2. That thoſe who derive their ſuſpicions from the queen's obſtinate refuſal to give ſatisfaction to the public, ſhould fix the time of this obſtinacy to the interval between the 9th of April, the day of her pretended miſcarriage, and the 10th of June, the day of her delivery. For in ſuppoſing the reality of her pregnancy till Eaſter-week, the ſuſpicions ariſing from the queen's obſtinacy, cannot but be ill-grounded, unleſs this obſtinacy is confined to the ſpace of time, between the miſcarriage and the delivery, which it is not. 3. That the two ladies who depoſed concerning the milk and the motion of the child, ſhould have fixed the time to the ſame interval, otherwiſe their teſtimony proves nothing againſt thoſe who maintain, that the queen was really with child till Eaſter week, and had then a miſcarriage; but this is what does not appear. As to the teſtimony of the midwife, which is the principal and moſt poſitive, all that can be objected to it, is, that it is a ſingle teſtimony, and that beſides ſhe being a Papiſt, might have been corrupted. But this is only a conjecture, a bare poſſibility. It is therefore clear, that to decide this queſtion in a manner capable to ſatisfy thoſe who only ſeek the truth, a more perfect knowledge muſt be had of many circumſtances which as yet lie concealed.

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The king's precaution produced not the expected effect. The ſuſpicion of an impoſture was ſo deeply rooted in the minds of moſt of the Engliſh, that it was rather confirmed than removed by this examination. The myſterious conduct obſerved at a time when, conſidering the general ſuſpicion, all poſſible precautions ought to have been taken to render the birth unqueſtionable, made a ſtronger impreſſion than all theſe teſtimonies, and the rather, as they were found to be very defective. Before this examination, the preſumption of law was for the prince, ſince he was owned by both parents, ſo that the proof lay on the other ſide, and ought to be offered

Suſpicions not removed by the depoſitions.

Burnet, p. 786.

James II. 1688. by thoſe who queſtioned it. But after the king had undertaken to prove the reality of his ſon's birth, by forty witneſſes, of which more than thirty ſaid nothing material, and the reſt fixed no time to what they depoſed, he left room to his enemies to object againſt theſe very depoſitions.

The king's ſpeech after the examination of the witneſſes.

The king's own teſtimony was not more [illegible] for the witneſſes were examined, he told the aſſembly, "That "the princeſs Anne of Denmark would have been present, "but that ſhe being with child likewiſe, and having "lately ſtirred abroad, could not come for fear of hazard." Adding further, "That tho' he did not queſtion "but every perſon there preſent was ſatisfied [illegible] "matter, yet by what they had heard, they [illegible] "able to ſatisfy others: That beſides, if he [illegible] "could be thought ſo wicked as to endeavour to impoſe a "child upon the nation, they ſaw how impoſſible it would "have been; neither could he himſelf be [illegible] "ving conſtantly been with the queen during her being with "child, and the whole time of her labour. That [illegible] "none of them but would eaſily believe him. [illegible] "fered ſo much for conſcience ſake, [illegible] "villany, to the prejudice of his own children; and that he "thanked God, that thoſe that knew him [illegible] "it was his principle to do as he would be done by, for "that was the law and the prophets; and he would ra"ther die a thouſand deaths, than do the leaſt wrong to any "of his children."

The depoſitions are recorded. Kennet. p. 523.

The reaſons alledged by the king in this ſpeech were far from being convincing, ſince thoſe who believed the impoſture, were perſuaded, that the king was chiefly concerned in it, notwithſtanding all his aſſeverations, which were but little regarded. It is a ſad thing for a king not to be credited by the body of his ſubjects. The depoſitions were ſolemnly enrolled in chancery, and afterwards printed and diſperſed among the people. But this did not prevent a general belief, that the prince of Wales was ſuppoſititious. So this birth remains hitherto in uncertainty, and probably will long remain ſo. For it muſt be obſerved, that after the king and queen had withdrawn into France, there was no finding either the midwife or the queen's ladies, who had depoſed the moſt material circumſtances of the pregnancy or the delivery.

The earl of Sunderland removed from all his places.

The 28th of October, the earl of Sunderland was ſuddenly removed from his places of preſident of the council, and principal ſecretary of ſtate. It is believed that his neglect of Skelton's

ton's letters to him, was the principal cauſe of his diſgrace. He ſaid upon this ſubject, "If he gave no account of theſe "letters to the king, it was becauſe Skelton never wrote but "ſecond-hand news." But theſe were not mere letters of news. One Wickſtead, formerly a monk, being ſeized for holding correſpondence with the king's enemies, charged the earl of Sunderland to his face, with revealing his majeſty's ſecrets to the prince of Orange. But being committed to the cuſtody of a meſſenger, he made his eſcape the next day. James II. 1688.

Kennet. p. 523. Echard. III. p. 895, &c. Hiſt. of Deſert. p. 53.

However, it is certain, Sunderland had been ſome time ſuſpected by the Papiſts, who, in all appearance, perſuaded the king of his ſecret intelligence with the prince of Orange. He publiſhed afterwards an apology, but the diſcuſſion of this affair would be too great a digreſſion.

As the prince of Orange was expected with the firſt eaſterly wind, ſome of the moſt devoted to the king during his proſperity, thought proper to ſecure themſelves by letters of pardon for their illegal actions. Amongſt theſe were chancellor Jefferies, Sir Nicholas Butler, the biſhop of Cheſter, the biſhop of Durham, and about twenty more, to whom the king readily granted the favour they deſired.

Letters of pardon granted to ſeveral of the moſt obnoxious perſons. Nov. 1. Echard. III. p. 897.

While theſe things were tranſacting in England, the neceſſary diſpoſitions were making in Holland for the aſſiſtance of the Engliſh. For it was upon this foot that the States let their troops to the prince of Orange; and what the king called in England an invaſion, in Holland was termed, "a bro"therly aſſiſtance lent by the States and the prince to the "diſtreſſed Engliſh." It can hardly be thought, that the prince of Orange, with an army of thirteen or fourteen thouſand men, would have undertaken a deſcent into England, had he not been aſſured of a favourable reception from the generality of the people. But as it was neceſſary to remove the ſuſpicion fomented by the king, that the prince was coming to conquer and ſubdue England, he thought proper, in a declaration, to ſhow the true motives of his undertaking. This declaration, dated the 10th of October, New Stile, was divided into twenty-ſix articles, reducible to theſe three general heads:

"The firſt contained a particular enumeration of the "grievances of the Engliſh nation, eſpecially the king's ar"rogating to himſelf a diſpenſing power: his advancing Pa"piſts to civil, eccleſiaſtical, and military employments, and "allowing them to ſit in the privy-council: His ſetting up an "illegal commiſſion for eccleſiaſtical affairs, in which there "was one of his miniſters of ſtate, who made public profeſ-

The prince of Orange's declaration. Hiſt. of Deſert. in State Tracts, T. I. p. 67. Kennet, p. 523. Echard.

"ſion

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" ſion of the Popiſh religion, and who, at the time of his " firſt profeſſing it, declared, ' That for a great while be- " fore, he had believed that to be the only true religion; " and by which not only the biſhop of London was ſuſ- " pended, but the preſident and fellows of Magdalen college " arbitrarily turned out of their freehold, contrary to that " expreſs proviſion in Magna Charta, ' That no freeman ſhall " loſe his life or goods but by the laws of the land;' by al- " lowing Popiſh monaſteries and colleges of Jeſuits to be " created: his turning out of public employments all ſuch " as would not concur with him in the repeal of the teſt " penal laws: his invading the privileges and reſuming the " charters of moſt corporations, and placing Popiſh magi- " ſtrates in ſome of them: his ſubjecting the courts of juſti- " catory to his arbitrary and deſpotic power, and putting the " adminiſtration of juſtice into the hands of Papiſts: not " only arming the Papiſts, in contempt of the laws, but " likewiſe raiſing them up to the greateſt military truſts, both " by ſea and land, ſtrangers as well as natives, contrary to " well as Engliſh, that he might be the more capable to enſlave " the nation: his putting the whole government of Ireland " into the hands of Papiſts: his aſſuming an abſolute and ar- " bitrary power in the kingdom of Scotland, from whence it " was apparent, what was to be looked for in England."

Secondly, His highneſs alledged, " That thoſe grievous " inſufferable oppreſſions, and the open contempt of all law, " together with the apprehenſion of the ſad conſequences that " muſt certainly follow upon it, had made the ſubjects to look " after ſuch remedies as are allowed of in all nations, and in the " moſt abſolute monarchies, all which had been without ef- " fect; his majeſty's evil counſellors having endeavoured to " make all men apprehend the loſs of their lives, liberties, " honours, and eſtates, if they ſhould go about to preſerve " themſelves from this oppreſſion, by petitions, and repreſen- " tations; an inſtance of which was, the proſecution of the " ſeven biſhops: that a peer of the realm (the lord Lovelace) " was treated as a criminal, only becauſe he ſaid, ' That the " ſubjects were not bound to obey the orders of a Popiſh " juſtice of peace;' though it is evident, that they being by " law rendered incapable of all ſuch truſts, no regard is due " to their orders: that both he, and his conſort the princeſs, " had endeavoured to ſignify, with terms full of reſpect, to " the king, the juſt and deep regret, which all theſe pro- " ceedings had given them, and declared what their thoughts " were, touching the repealing of the teſt and penal laws:

but

" but that theſe evil counſellors had put ſuch ill conſtructions James II.
" on their good intentions, that they had endeavoured to 1688.
" alienate the king more and more from them. That the
" laſt and great remedy for all theſe evils, was, the calling
" of a parliament, which could not yet be compaſſed, nor
" could be eaſily brought about; for thoſe men apprehend-
" ing that a lawful parliament would bring them to account
" for all their open violations of law, and for their conſpira-
" cies againſt the Proteſtant religion, and the lives and li-
" bertics of the ſubjects, they had endeavoured, under the
" ſpecious pretence of liberty and conſcience, firſt to ſow di-
" viſions between thoſe of the Church of England, and Diſ-
" ſenters, with deſign to engage Proteſtants, who are equal-
" ly concerned to preſerve themſelves from Popiſh oppreſſion,
" into mutual quarrellings; that ſo by theſe, ſome advan-
" tage might be given them to bring about their deſigns;
" and that both in the elections of members of parliament,
" and afterwards in the parliament itſelf: that they had alſo
" made ſuch regulations, as they thought fit and neceſſary,
" for ſecuring all the members that were to be choſen by the
" corporations; by which means they hoped to avoid the
" puniſhment they deſerved, though it was apparent, that
" all acts, made by Popiſh magiſtrates, were null and void
" of themſelves: ſo that no parliament could be lawful,
" for which the elections and returns were made by Popiſh
" magiſtrates, ſheriffs and mayors of towns; and therefore
" as long as the magiſtracy was in ſuch hands, it was not
" poſſible to have a free parliament legally called and choſen.
" That there were great and violent preſumptions, inducing
" his highneſs to believe, that thoſe evil counſellors, in
" order to the gaining the more time for the effecting their
" ill deſigns, had publiſhed, 'That the queen had brought
" forth a ſon;' though there had appeared, both during the
" queen's pretended bigneſs, and in the manner wherein
" the birth was managed, ſo many juſt and viſible grounds
" of ſuſpicion, that not only he himſelf, but all the good
" ſubjects of the kingdom, did vehemently ſuſpect, 'That
" the pretended prince of Wales was not born of the queen;'
" and tho' many both doubted of the queen's bigneſs, and
" of the birth of the child, yet there was not any thing
" done to ſatisfy them, or put an end to their doubts.
" That ſince his conſort the princeſs, and likewiſe he
" himſelf, had ſo great an intereſt in this matter, and ſuch
" a right as all the world knew, to the ſucceſſion of the
" crown; ſince all the Engliſh did in the year 1672, when

" Holland

James II. 1688. "Holland was invaded with a moſt unjuſt war, uſe their utmoſt endeavours to put an end to that war, and that in oppoſition to thoſe who were then in the government; ſince the Engliſh nation had ever teſtified a particular affection and eſteem, both to his highneſs's [illegible] ſort, and to himſelf, he could not excuſe [illegible] eſpouſing that intereſt, in a matter of [illegible] quence, and for contributing all that in [illegible] maintaining both of the Proteſtant relig[illegible] and liberties of theſe kingdoms: to the [illegible] his highneſs was moſt earneſtly follic[illegible] lords, both ſpiritual and temporal, and by many gentlemen, and other ſubjects of all ranks."

In the laſt place his highneſs declared, "That for the forementioned reaſons, he has thought fit to go over to England, and to carry with him a force ſufficient to defend him from the violence of [illegible] that his expedition was intended for no other deſign, but to have a free and lawful parliament aſſembled as ſoon as it was poſſible; and that in order to the [illegible] charters, by which the elections of burgeſſes are [illegible] contrary to the ancient cuſtom, ſhould be conſidered as null and of no force: that to this parliament he would refer the enquiry into the birth of the pretended prince of Wales, and of all things relating thereto, and to the right of ſucceſſion: that he would concur in every thing that might procure the peace and happineſs of the nation, under a juſt and legal government: that he would keep the forces under his command, under all the ſtrictneſs of martial diſcipline, and promiſed, that he would ſend back all thoſe foreign forces, as ſoon as the ſtate of the nation would admit of it: that therefore he invited and required all perſons whatſoever to come and aſſiſt him, in order to the executing his deſigns againſt all ſuch as ſhall endeavour to oppoſe him: that he would likewiſe take care, that a parliament ſhould be called in Scotland, for reſtoring the ancient conſtitution of that kingdom, and for bringing the matters of religion to ſuch a ſettlement, that the people might live eaſy and happy: that he would alſo ſtudy to bring the kingdom of Ireland to ſuch a ſtate, that the ſettlement there might be religiouſly obſerved, and that the Proteſtant and Britiſh intereſt there might be ſecured."

This declaration being printed, and ready to be ſent over to England to be diſperſed among the people, the prince

was

was informed, that the king, by the advice of the biſhops, had redreſſed ſeveral grievances mentioned in his declaration. Wherefore he thought fit to make the following addition to it. James II. 1688.

"After we had printed our declaration, we have underſtood, that the ſubverters of the religion and laws of theſe kingdoms, hearing of our preparations to aſſiſt the people againſt them, have begun to retract ſome of the arbitrary and deſpotic power that they had aſſumed, and to vacate ſome of their unjuſt judgments and decrees: the ſenſe of their guilt, and the diſtruſt of their force, have induced them to offer to the city of London ſome ſeeming relief from their great oppreſſions; hoping thereby, to quiet the people, and to divert them from demanding a re-eſtabliſhment of their religion and laws, under the ſhelter of our arms: they did alſo give out, 'That we do intend to conquer and enſlave the nation;' and therefore it is, we have thought fit to add a few words to our declaration.

"We are confident, that no perſons can have ſuch hard thoughts of us, as to imagine, we have any other deſign in this our undertaking, than to procure a ſettlement of the religion, and of the liberties and properties of the ſubject, upon ſo ſure a foundation, that there may be no danger of the nation's relapſing into the like miſeries at any time hereafter. And as the forces we have brought along with us are utterly diſproportioned to that wicked deſign of conquering the nation, if we were capable of intending it; ſo the great numbers of the principal nobility and gentry, that are men of eminent quality and eſtates, and perſons of known integrity and zeal, both for the religion and government of England; many of them being alſo diſtinguiſhed by their conſtant fidelity to the crown, who do both accompany us in this expedition, and have earneſtly ſollicited us to it, will cover us from all ſuch malicious inſinuations: for it is not to be imagined, that either thoſe who invited us, or thoſe who are already come to aſſiſt us, can join in a wicked attempt of conqueſt, to make void their own lawful titles to their honours, eſtates, and intereſts. We are alſo confident, that all men ſee how little weight there is to be laid on all promiſes and engagements that can be now made, ſince there has been ſo little regard had in the time paſt, to the moſt SOLEMN PROMISES. And as that imperfect redreſs that is now offered, is a plain confeſſion of thoſe violences

"of

James II. 1688. " of the government that we have ſet forth, ſo the defec-
" tiveneſs of it is no leſs apparent; for they lay down no-
" thing but which they may take up at pleaſure, and they
" reſerve entire, and not ſo much as mention, their claims
" and pretences to an arbitrary and deſpotic power, which
" has been the root of all their oppreſſion, and the total
" ſubverſion of the government. And it is plain that
" there can be no redreſs, no remedy offered but in parlia-
" ment, by a declaration of the rights of the ſubject that
" have been invaded, and not by any pretended acts of
" grace, to which the extremity of their affairs forces
" them. Therefore it is that we have thought fit to de-
" clare, that we will refer all to a free aſſembly of this na-
" tion, in a lawful parliament."

The reſolution of the States General. Echard. III. p. 900.

About the ſame time was publiſhed "The reſolution of
" the States-General, containing the reaſons that had oblig-
" ged them to aſſiſt his highneſs the prince of Orange with
" ſhips, men, and ammunition, in his intended expedition
" into England." The two principal reaſons were, That the prince of Orange had been invited to the undertaking by the Engliſh nobility, gentry, and clergy; and that the States had juſt cauſe to fear, that in caſe the king of England became abſolute in his own kingdom, he would enter into a confederation with the king of France, endeavour to bring their ſtate to confuſion, and, if poſſible, totally to ſubject it. This fear was founded upon the earl of Caſtlemain's preſſing the pope, and the patron cardinal Cibo, (during his embaſſy at Rome) to admit his maſter to mediate a reconciliation between the courts of Rome and Verſailles, aſſuring, "When that re-
" conciliation was brought about, the two kings would ef-
" fectually ſerve the cauſe of the church, and begin with
" the deſtruction of Holland." The pope, to whom ſuch projects were not agreeable, informed the emperor of it, who communicated it to the prince of Orange. This is at leaſt what Dr. Burnet ſays in one of his letters.

The prince of Orange takes his leave of the States. He ſets ſail. Kennet. p. 525, 526. Burnet. p. 774, 775.

Every thing being ready for the projected expedition, the prince of Orange went into the aſſembly of the States-General the 16th of October, to take a ſolemn leave of them. This was done in ſo tender and moving a manner, that both himſelf and the States melted into tears. He embarked the 19th of October, on a frigate of about thirty guns. The fleet conſiſted of fifty men of war, twenty-five frigates, as many fire-ſhips, with near four hundred victuallers, and other veſſels, for the tranſportation of above four thouſand horſe, and ten thouſand foot. The moſt conſiderable of the

the Engliſh, who accompanied the prince, were, the earls of Shrewſbbury and Macclesfield, the Lords Mordaunt, Wiltſhire, Paulet, Elan, Bunblain, admiral Herbert, Mr. Herbert, colonel Sidney, Mr. Ruſſel, Sir Rowland Gwin, major Wildman, Dr. Burnet, Mr. Harbord, Mr. Ferguſon, and many others leſs known. The prince had with him, beſides the general officers of the Dutch forces, count Schomberg, marſhal of France, who had laſt ſerved the elector of Brandenburg, count Charles his ſon, monſieur Cambrote, younger ſon to the marquis of Rouvigny, and about three hundred French officers, who had left their country for their religion. Admiral Herbert led the van of the fleet, vice-admiral Evertzen brought up the rear, and the prince placed himſelf in the main body, carrying a flag with Engliſh colours, and their highneſſes arms ſurrounded with this motto, THE PROTESTANT RELIGION AND LIBERTIES OF ENGLAND; and underneath, the motto of the houſe of Naſſau, JE MAINTIENDRAI, i. e. "I will maintain." James II. 1688.

This numerous fleet had been but few hours under ſail, when ſuddenly the wind coming more weſterly, there aroſe ſuch a ſtorm, that in leſs than two hours the whole fleet was ſo diſperſed, that the next day ſcarce two ſhips could be ſeen together. The ſtorm continued two days, during which time, the ſhips endeavoured to gain, ſome one port ſome another. Many were driven northward, and could not reach the appointed rendezvous till eight days after. Nevertheleſs, the damage was ſo inconſiderable, that there was properly only loſs of time. But on this occaſion, the States made uſe of an artifice, which did the king great prejudice; they ordered the Harlem and Amſterdam Gazettes to aggravate the damage ſuſtained by the fleet, and to inſinuate, that the prince could not poſſibly be in a condition to purſue his deſign till the next ſpring (b). This was intended to amuſe the court of England, and make them more remiſs in their preparations. But beſides this advantage, they received from that artifice another ſtill more conſiderable, which was, that the king, hearing the news with great pleaſure, flattered himſelf, that he had now nothing more to fear, and that before the ſpring, he ſhould infallably be able to break all the prince of Orange's meaſures. In this

His fleet diſperſed by a tempeſt. State Tracts, T. I. p. 56. Kennet. p. 526. Echard. III. p. 907. Burnet. P. 783.

(b) It was ſaid in the Gazettes, the prince had loſt moſt of his horſes; and that there were one hundred horſes dead or unſerviceable; whereas there were really but four hundred loſt. See State-Tracts, Tom. I. p. 56.

belief,

James II. 1688. belief, he revoked ſome of his acts of grace granted to his ſubjects, and thereby clearly ſhowed, that theſe acts were extorted by neceſſity, and that conſequently, no change was to be expected in his conduct for the future.

The king revokes ſome of his acts of grace. Echard.

It was in this critical juncture that captain [illegible], an Engliſhman in the ſervice of the States, was ſeized on his arrival in England. In his portmantea[u] were found many copies of the prince's declaration, which [were] ſent to court. The king having read the declaration, w[as] expreſſion, "That the prince was m[ost] "over by divers of the lords, both ſpi[ritual] "and by many gentlemen, and other[s] ſent for the archbiſhop, and four or five [bishops] don, and demanded of them, "Whethe[r the contents of] "prince's declaration, relating to thei[r inviting him over,] "were true?" The biſhops contented [themſelves with pro-] miſing in general, their faithful allegia[nce to his majeſty.] But the king, little ſatisfied with this a[nſwer, required them] to juſtify themſelves to the world, as to [the ſincerity of] vitation. At the ſame time he fixed [a day whereon he] obliged them to preſent a paper under [their own hand, ſig-] nifying their abhorrence of the prince o[f Orange's intended] invaſion. He farther let them know, "That a declaratio[n] "was then in the preſs againſt the prince of Orange, and "was only deferred, to have their paper of abhorrence put "into it."

The prince's declaration falls into his hands. Kennet. p. 526. Hiſt. of Deſert. p. 56.

Who is for obliging the biſhops to diſown it.

They excuſe themſelves. Kennet. p. 527. Echard. III. p. 903.

On the day appointed, the biſhops repaired to Whitehall, and as ſoon as they were in the king's preſence, he called for their paper. But with all ſubmiſſion, "They begged "to be excuſed from writing any thing of that nature, and "for making a particular defence to a general accuſation, "leaſt they ſhould give the firſt precedent of that kind "againſt the privilege of peers: beſides, that their profeſ- "ſion being to promote peace, they thought it belonged "not to them to declare war, eſpecially againſt a prince "ſo nearly allied to the crown." This anſwer threw the king into a violent rage. However, they perſiſted in their refuſal, in as dutiful terms as poſſible. The king, not being able to prevail with them, ordered them to withdraw with great indignation. They were afterwards informed, that one of the principal members of the council and jeſuited party, adviſed the king, "To impriſon them all, and extort "the truth from them by violence."

Sprat's Let.

Mean time, the king being deſirous to conceal the [prince] of Orange's declaration from the people, forbad the [printing]

liſhing and diſperſing it by proclamation. But being afterwards informed, that a great number of copies were handed about the kingdom, and ſenſible that his prohibition would be to no purpoſe, he choſe to print the declaration with remarks, tending to juſtify his own, and render odious the prince of Orange's conduct. James II. 1688.

The king prints the prince's declaration, with his own remarks upon it. Gazettes, No. 2396. State Tracts T. I. p. 66.

About the ſame time was printed a letter from the prince of Orange to the officers of the Engliſh army, and another from admiral Herbert to the Engliſh fleet. The deſign of theſe two letters was the ſame, namely, to inform the army and the fleet of the true intentions of the prince, and to repreſent to them, that in being the king's inſtruments to accompliſh his deſigns, they were labouring their own ruin. Wherefore the officers, ſoldiers, and ſailors, were conjured not to ſuffer themſelves to be abuſed by a falſe notion of honour, to ſerve the king, contrary to the manifeſt intereſt of their religion and country. Theſe two letters had a wonderful effect upon officers, ſoldiers, and ſeamen; ſo that from this time many of them reſolved not to draw their ſwords in this quarrel, till they had a free parliament to ſecure their religion and liberties.

Two letters addreſſed to the army and the fleet. Ibid. p. 77. Kennet. p. 525. Echard. III. p. 904.

The king's fleet conſiſted of ſixty-one men of war, of which thirty-eight were of the line of battle. Several Engliſh authors venture to affirm, this fleet was more than ſufficient to defeat that of the States. I know not upon what their aſſertion is grounded: but it ſeems to me, it is as likely, that in caſe the fleets had engaged, the king's would have ſhared the danger. While the Engliſh fleet lay at anchor at the Gunfleet, the lord Dartmouth, the admiral, called a council of war, wherein it was debated, whether it was proper to put to ſea, and engage the enemy? An author who has writ the naval tranſactions of the Engliſh, ſays on this occaſion, "That this propoſal carried the "greateſt weight with it, had there been a real deſign of "obſtructing the prince of Orange in his paſſage to En"gland. But inſtead of that, (continues he) matters were "ſo concerted and agreed among the flag-officers and com"manders, that had the admiral come fairly up with the "Dutch, it would not have been in his power to have done "them much damage." Wherefore, by a great majority, it was reſolved to continue there, in order to intercept the Dutch fleet.

The king's fleet ill affected to him. Burchett, p. 414. Burnet. p. 783. Burchett, p. 414.

The damage ſuſtained by the prince's fleet in the late ſtorm was ſo inconſiderable, and ſo eaſily repaired, that in eleven

The prince of Orange ſails out a ſecond time.

James II. 1688. eleven days it was in condition to put to ſea again. The firſt of November, in the afternoon, the prince embarked on a new veſſel called the Brill, and the fleet at firſt ſteering northward, it was thought the deſign was to land ſomewhere in the north of England, and Burnet ſays, the firſt ſcheme was to anchor in the mouth of the Humber. But during the night, whether the prince had changed his mind, or was hindered from purſuing this courſe by a violent weſt wind, all the fleet ſteered towards the eaſtern coaſts of England; after which they ſhortened ſail for fear of meeting in the night. The next morning the fleet ſteered towards the Channel, without meeting any Engliſh ſhips, and in their paſſage diſcovered the coaſts of Eſſex and Kent. The 3d of November, the fleet entered the Channel (c), and lay between Calais and Dover, to ſtay for the ſhips that were behind. Here the prince called a council of war. It is eaſy to imagine, what a glorious ſhow the fleet made. Five or ſix hundred ſhips in ſo narrow a channel, and both the Engliſh and French ſhores covered with numbers of ſpectators, are no common ſight. For my part, who was then on board the fleet, I own it ſtruck me extremely.

Burnet. p. 787. Echard, III. p. 906.

Kennet, p. 527. Echard, III. p. 907.

The king, upon advice of the prince's deſign to land in the north, had ſent part of his army that way. But it was with the utmoſt ſurprize that he received ſeveral expreſſes, with the news that the enemy's fleet was ſailing weſtward. He however flattered himſelf that the lord Dartmouth would purſue and give a good account of them. But, for what reaſon I know not, the Engliſh fleet remained in their ſtation, till the enemy's ſhips had paſſed by (d).

Burnet, p. 787. State Tracts T. I. p. 58.

The fourth of November being Sunday, and the prince's birth-day, now thirty-eight years of age, was by him dedicated to devotion, the fleet ſtill continuing their courſe, in order to land at Dartmouth or Torbay. But in the night, whether by the violence of the wind, or the negligence of the pilot (e), the fleet was carried beyond the deſired ports, without a poſſibility of putting back, ſuch was the fury of the wind. This accident gave them the melancholy proſpect of being forced to ſail on to Falmouth, or ſome other inconvenient place. But ſoon after, the wind turned to the

(c) They paſſed by the Gunfleet in a very foggy day; while the Engliſh could not, by reaſon of the violence of the wind, purchaſe their anchors. Burchett, p. 414.

(d) The lord Dartmouth was kept in by the eaſterly winds. Burnet, p. 787.

(e) It being a hazy foggy morning and full of rain, they over-ſhot Torbay. Hiſt. of Deſert. p. 58.

south, which happily carried the fleet into Torbay, the moſt convenient place for landing the horſe of any in England. The forces were landed with ſuch diligence and tranquility, that the whole army was on ſhore before night. The next morning, the wind turning weſt, blew ſo tempeſtuouſly, that had the landing been deferred a few hours, probably, it would not have been poſſible to diſembark the troops. This wind prevented the lord Dartmouth, who was come in ſight of the Dutch fleet, from attacking it, and obliged him to go into Portſmouth. Upon this occaſion theſe two famous verſes of Claudian were applied to the prince of Orange:

James II. 1688.

Lands at Torbay. Burnet. p. 788, 789.

Idem, 790.

"O nimium dilecte Deo, cui militat æther,
"Et conjurati veniunt ad claſſica venti."

Heaven's Favourite! to whom the ſkies aſſiſtance lend,
Whilſt on thy ſails conſpiring winds attend.

It was thus, the prince of Orange landed in England, without any oppoſition, the 5th of November, whilſt the Engliſh were celebrating the memory of their deliverance from the Powder-plot, about fourſcore years before. This is one of the moſt remarkable æras in the Engliſh hiſtory, and which probably will never be forgot by that nation.

The prince's army marched from Torbay about noon the next day, in very rainy weather and bad roads. The ſoldiers, before they landed, were ordered to bring three days bread with them, and they carried the tents themſelves. But the officers, even the moſt conſiderable, were in a very uneaſy ſituation, at their firſt encampment, being wet to the ſkin, and having neither clothes for change, nor bread, nor horſes, nor ſervants, nor other bed than the earth all drenched with rain, their baggage being yet in the ſhips. Had this ſituation laſted two days more, the officers, as well principal as ſubaltern, would have been reduced to great extremities. But the prince did all that was in his power to procure them refreſhment. He ordered horſes, carriages, and proviſions from the neighbouring country, and in this ſtate purſued his march to Exeter, about twenty miles from Torbay.

The prince marches to Exeter. Ibid.

As ſoon as the king heard the prince was landed, his firſt care was to order his army to rendezvous in ſome convenient place. He choſe Saliſbury-Plain, whether his army repaired from ſeveral parts, with all poſſible diligence. They who have ſaid that he ought to have marched directly to Torbay

The king orders his army to gather on Salisbury plain.

James II. 1688. at the head of his army, did not conſider, that the thing was impracticable. The greateſt part of his army was as yet diſperſed in different quarters. Part had marched to the north, and part to Portſmouth to ſecure that place, which was of great conſequence. The Iriſh forces were ſtill in and about Cheſter, and the Scotch at Carliſle. The king, when he quitted London, could not avoid leaving there a good body of troops, unleſs he would have hazarded the leaving that powerful city, where he was not beloved, declare for the enemy. But it is ſtrange, that the king, though he had two months notice of the prince's intended invaſion, had neglected to form a camp of twenty thouſand men in the heart of the kingdom, to be ready to march againſt him on the firſt news of his landing. This was a precaution uſed by ſome of his predeceſſors on the like occaſion, when they expected a deſcent without knowing in what place; and which might have ſerved him for an example. His negligence therefore ſeems inexcuſable, ſince, after the prince's arrival at Torbay, he was obliged to loſe ſo much time in aſſembling his army of more than thirty thouſand men. Very probably, if his forces had been ready, and he had marched into the weſt, the prince would have been extremely embarraſſed, who ſtayed ten days at Exeter, without any great increaſe of his army. Had he ſhown ſo much reſolution as Richard III, on the like occaſion, he would doubtleſs have prevented the deſertion of numbers, who perhaps were not yet determined to abandon him, and only reſolved it becauſe they ſaw in his conduct a conſternation which to them ſeemed ominous. But this is all conjecture.

Kennet. p. 527. Echard. III. p. 909.

The king ſhows ſome reſolution.

However, the king having ſent a reinforcement to Portſmouth under the duke of Berwick, vainly flattered himſelf with endeavouring to perſuade the people, that the prince's forces were too contemptible to inſpire him with fear. He printed a liſt of all the regiments of the prince's army, with the companies, troops, officers and ſoldiers belonging to each (a). But the prince's declaration was more relied on than this liſt, wherein it was ſaid, he would not have come with ſo ſmall a number of troops, had a conqueſt of England been intended; from whence it was inferred, that he was aſſured of aſſiſtance, which would appear in due time.

Nov. 17. Gazettes, No. 2397. State Tracts T. I. p. 59. Echard. III. p. 909.

(a) According to that liſt, the foot forces conſiſted of ten thouſand ſix hundred and ninety-two: his horſe, of three thouſand ſix hundred and ſixty; and his fleet of ſix hundred and thirty-five veſſels. Gazettes, No. 2397.

The

The king affected to expreſs a great confidence, as being ſuperior in number of forces. The better to ſhow he was incapable of fear, hearing that the counties of Kent and York, and the city of London, were preparing to addreſs him for an accommodation with the prince of Orange, he publickly declared, "That he would look upon all thoſe as "his enemies, who ſhould pretend to adviſe him to treat "with the invader of his kingdoms." At the ſame time, he publiſhed a declaration, endeavouring to demonſtrate, that the prince's ſecret deſign was to uſurp the crown. But for ſuch a declaration to have any effect, it muſt have come from a prince believed innocent, and unjuſtly attacked. But the people were far from this belief. They rather looked on the king as intending to ſubvert their religion and liberty, and on the prince of Orange, as the nation's deliverer. James II. 1688. and will hear of no accommodation. Ibid. Kennet. p. 527.

Mean while, the prince, now at Exeter, found not at firſt the encouragement that he expected. The biſhop, Dr. Lamplugh, on the firſt news of his landing, poſted to court, where he was rewarded with the archbiſhopric of York, which had been kept long vacant, with intention, as it was thought, to confer it on father Petre, the king's confeſſor. The Sunday after the prince's arrival at Exeter, Dr. Burnet mounting the pulpit to read his declaration, all the canons and part of the congregation left the church, not to be preſent at the reading. On the other hand, few came to offer their ſervice to the prince, and the levy of three regiments of foot, for which he had granted commiſſions (b), went on but ſlowly. Not but that in general the people of the country were inclined to the prince, and wiſhed well to his undertaking. But the memory of the ſeverities againſt the duke of Monmouth's adherents, was yet ſo recent, that every one feared to engage in a like enterprize, the ſucceſs whereof was uncertain. In ſhort, the prince remained nine days at Exeter, without being joined by any perſon of diſtinction. It is even pretended, that in a council of war held at Exeter, he ſuffered it to propoſed to him to reimbark for Holland. But on the tenth day ſome of the principal gentlemen of the country joined him. Among theſe was Sir Edward Seymour, by whoſe advice an aſſociation was drawn, and ſigned by all perſons then with the prince, or who afterwards repaired to him. It was likewiſe ſent to The prince of Orange meets with but ſmall encouragement at Exeter. Nov. 9. Burnet, p. 790. Kennet, p. 527. Echard. III. p. 910. Kennet, p. 528. Is at laſt joined by the gentlemen of the country. Burnet, p. 792. Echard. III. p. 912.

(b) To the lord Mordaunt, Sir John Guiſe, and Sir Robert Peyton. Echard, Tom. III. p. 611.

James II. 1688. several other parts of the kingdom, and signed by great numbers. It was as follows:

The association. State Tracts T. I. p. 87. Kennet. p. 528.

"We whose names are hereunto subscribed, who have "now joined with the prince of Orange, for the defence of "the protestant religion, and for the maintaining [illegible] "cient government, and the laws and liberties [illegible] "Scotland, and Ireland, do engage to Almighty God, to "his highness the prince, and to one another, [illegible] "to this cause, in the defence of it, and never to depart "from it, till our religion, laws, and liberties, [illegible] "secured to us in a free parliament, that they shall no "more be in danger of falling into Popery and slavery. And "whereas we are engaged in this common cause under the "protection of the prince of Orange, by which means his "person is exposed to danger, and to the cursed attempts of "Papists, and other bloody men; we do therefore solemnly "engage to God, and to one another, that if any such at- "tempt be made upon him, we will pursue not only the per- "sons that make it, but all their adherents, and all that we find "in arms against us, with the uttermost severity of a just "revenge, to their utter ruin and destruction; and that the "execution of any such attempt (which God of his infinite "mercy forbid) shall not divert us from prosecuting the "cause which we do now undertake, but that it shall en- "gage us to carry it on with all the rigour that so barbarous "an attempt shall deserve."

The prince marches to Salisbury.

From this time the face of the prince of Orange's affairs, who left Exeter to march to Salisbury, was entirely changed. Every day brought him persons distinguished by their birth, estates, or employments. The lord Colchester, son to earl Rivers, a lieutenant in the life-guards, waited upon the prince, accompanied by Mr. Wharton, colonel Godfrey, John How, Esq; four life-guard-men, and about threescore men more on horseback. These were followed by the earl of Abingdon, captain Clarges, Mr. Russel, and others. But what was more material, the lord Cornbury, son to the earl of Clarendon, colonel of dragoons, leaving Salisbury, under pretence of an order from the king, to beat up some of the enemy's advanced posts at Honiton, carried with him his own regiment, and those of horse of Berwick, St. Albans, and Fenwick, and with the major part of them went over to the prince at Exeter.

Great desertions in the king's army Kennet. p. 528. Echard, III. p. 913. Gazettes. No. 2400.

Some lords arm for the prince. Kennet. p. 523.

About the same time the lord Delamere took arms in Cheshire, and declared openly for the prince, inviting all his tenants to follow his example. The lord Lovelace was also march-

marching to Exeter, with ſixty or ſeventy horſemen, but paſſing thro' Cirenceſter, was made priſoner, by the militia of the county, after a warm ſkirmiſh, in which ten or twelve men were killed on both ſides. James II. 1688.

State Tracts T. I. p. 62.

On the other hand, the two archbiſhops, five biſhops, the dukes of Grafton and Ormond, the earls of Dorſet, Clare, Clarendon, Burlington, Angleſey, and Rocheſter, the lords Newport, Paget, Chandois, and Oſſulſton, meeting together in London, drew up a petition, which was ſigned at the biſhop of Rocheſter's houſe at Weſtminſter. The intent of it was, to pray the king to call a free parliament, and find ſome expedient to ſatisfy the prince of Orange. The petition being delivered, and afterwards printed by the lords for their own vindication, this anſwer was returned from the king, which was alſo publiſhed: "My lords, what you aſk "of me, I moſt paſſionately deſire; and I promiſe upon the "faith of a king, That I will have a parliament, and ſuch "an one as you aſk for, as ſoon as ever the prince of Orange "has quitted this realm: for how is it poſſible a parliament "ſhould be free in all its circumſtances, as you petition for, "while an enemy is in the kingdom, and can make a return "of near a hundred voices?" This anſwer was not ſatisfactory to the lords, who eaſily ſaw, that the king was far from deſiring a free parliament, nor would have any but of which he could be maſter.

Others demand of the king a parliament. Nov. 17. Ib. p. 63. Kennet. p. 529. Echard.

His Anſw

Though the king ſtill put on a face of aſſurance, the deſertions in his army made him very uneaſy. He knew not what to reſolve, in the fear of ſome conſpiracy among the officers to deliver him to the prince of Orange, if he ſhould put himſelf at the head of the army. This was the reaſon of his ſtopping the march of his forces, artillery, and his own equipage. But in a council held on this occaſion, it was judged neceſſary for him to be as ſoon as poſſible with his army, in order to keep thoſe firm to their duty who were yet unreſolved. He therefore departed the 17th of November, after having recommended the care of the city to the lord-mayor, and in a ſpeech to the officers about him, renewed his promiſe of calling a parliament as ſoon as the prince of Orange had quitted the kingdom: he told them, "If they "deſired any thing more, he was ready to grant it; but that, "if, after all, any of them was deſirous to go over to the "prince of Orange, he was willing to grant them [illegible] "and ſpare them the ſhame of deſerting their lawful ſove-"reign." But at the very time he ſeemed diſpoſed to give a general ſatisfaction, he left at Whitehall a counſel compoſed

He is afraid of being delivered up to the prince of Orange. Echard, III. p. 915.

Prepares to meet the prince. Kennet. p. 529.

James II. 1688.

of five lords, all odious to the people, ex[illegible] the lord Chancellor Jefferies, the lords Arundel and Bellaſis, both known Papiſts, and the lord Preſton, ſuſpected of favouring Popery. It was ſaid, the king deſigned to leave there alſo his confeſſor, father Petre, but the Jeſuit choſe rather to retire to France.

Arrives at Salisbury.

The king arrived the 19th of November at Salisbury, where the officers of his army, who were [illegible] him, paid him their compliments, and expreſſed their abhorrence of lord Cornbury's deſection. At his arrival he was

Is taken with a bleeding at the noſe.

ſeized with a bleeding at the noſe, which increaſed the next day, as he was going to view part of his army, quartered eight miles from Saliſbury. On the ſame, or the following day, moſt of the chief officers applied themſelves to the earl of Feverſham their general, deſiring him to aſſure the king,

A declaration of the chief officers. Kennet. p. 529. Echard. III. p. 915.

"That upon any occaſion they ſhould be ready to ſpend the laſt drop of their blood in his ſervice; but that they could not in conſcience fight againſt a prince, who was come over with no other deſign, than to procure the calling of a free parliament, for the ſecuring of their religion and liberties." This declaration, at which the king was extremely ſurprized, ſhowed him that his army, which had been always his principal refuge, could not be relied on. The earl of Feverſham, ſtrongly ſuſpecting the lord Churchill (afterwards duke of Marlborough) one of the king's favourites, lieutenant-general, captain of a troop of his life-guards, and gentleman of his bed-chamber, was very earneſt with the king to have him ſecured. But the king, whether he had no ſuch ſuſpicion, or feared it would occaſion a mutiny, would not follow his advice. However, the very next day the lord Churchill went over to the prince of Orange, accompanied by the duke of Grafton, colonel Berkley, four or five captains of his own regiment, and ſome other officers. Father Orleans inſinuates, that he had formed a deſign to deliver the king to the prince of Orange, which was prevented by his majeſty's bleeding at the noſe, at the time he intended to go and view his troops at Warminſter, the moſt advanced poſt of his army. But this accuſation is groundleſs, and entirely deſtroyed by the reſpectful letter written by that lord to the king, and which I therefore think proper to inſert here.

SIR,

James II. 1688.

"SIR,

"SINCE men are ſeldom ſuſpected of ſincerity, when "they act contrary to their intereſts; and though my "dutiful behaviour to your majeſty in the worſt of times, "(for which I acknowledge my poor ſervices much over-"paid) may not be ſufficient to incline you to a charitable "interpretation of my actions; yet, I hope, the great ad-"vantage I enjoy under your majeſty, which I can never "expect in any other change of government, may "reaſonably convince your majeſty, and the world, that I "am acted by a higher principle, when I offered that vio-"lence to my inclination and intereſt, as to deſert your "majeſty at a time when your affairs ſeem to challenge the "ſtricteſt obedience from all your ſubjects, much more "from one who lies under the greateſt perſonal obligations "imaginable to your majeſty. This, Sir, could proceed "from nothing but the inviolable dictates of my conſcience, "and a neceſſary concern for my religion, which no good "man can oppoſe, and with which I am inſtructed, nothing "ought to come in competition. Heaven knows, with "what partiality my dutiful opinion of your majeſty hath "hitherto repreſented thoſe unhappy deſigns, which incon-"ſiderate and ſelf-intereſted men have framed againſt your "majeſty's true intereſt, and the Proteſtant religion. But "as I can no longer join with ſuch, to give a pretence by "conqueſt, to bring them to effect; ſo I will always, with "the hazard of my life and fortune (ſo much your majeſty's "due) endeavour to preſerve your royal perſon and lawful "rights, with all the tender concern, and dutiful reſpect "that become,"

His letter to the King. Hiſt. of Deſert. p. 82. Kennet. p. 530.

Yours, &c.

This letter is a clear evidence, that nothing was farther from the lord Churchill's thoughts, than to deliver the king to the prince of Orange.

The lord Churchill's defection quite ſunk the king's ſpirits, who from this time ſaw not on whom he could rely. So, no longer daring to venture his perſon with his army, he left Saliſbury, and returned to London with a precipitation like a flight. Before his departure he publiſhes a proclamation, "promiſing a free and abſolute pardon to all his ſubjects, "who had taken up arms, and joined with the prince of "Orange, provided they quitted and deſerted him within "the ſpace of twenty days." But this proclamation had no

The king returns to London. Hiſt. of Deſert. Kennet.

Offers a pardon. Gazettes, N. 2403.

James II. 1688. effect. In his return, he met with a greater mortification, in the defection of the prince of Denmark his son-in-law, who leaving him at Andover, went off to the prince of Orange, with the duke of Ormond, Sir George Hewet, and others. That prince wrote a very respectful letter to the king, in vindication of his conduct, wherein he charged his defection chiefly on his concern for the Protestant religion, which the king had openly attempted to destroy not only in England, but in all Europe, by his measures with France.

Prince George leaves him. Kennet, p. 530. Echard.

The prince comes to Sherburn. Kennet, p. 530.

Mean time, the prince of Orange having [illegible] advanced to Sherburn, from whence it was in his power to march to Salisbury or Briſtol, according to the resolutions taken by the king. The king had an army [illegible] that of the prince in number, that had he marched directly to the prince, and attacked him, he would, doubtless, have much diſtreſſed him. It is not likely, the prince would have ventured a battle, but on the king's advantage, would probably have retired to Briſtol, in expectation of a general defection in the king's army. Such a defection was juſtly expected, according to all the advices of those who came to join him. Wherefore, it is very probable that he would have riſked an advantage, of which he was almost aſſured, by a battle, the ſucceſs whereof would have been doubtful. I remember a report then in the prince's army, that the marſhal de Schomberg being told, the king was advancing to give battle, the marſhal coldly answered, "If he "think proper." But upon hearing that the king had returned to London, and his army retired to Reading, the prince marched to Saliſbury, and made a public entry into that city, amidſt the acclamations of the people. During his march, there was a ſmall ſkirmiſh between some parties of the armies, in which that of the prince, though inferior in number, defended themſelves with ſo much bravery, that the enemy had no reaſon to boaſt of the advantage, the loſs being almoſt equal on both ſides (c).

and to Saliſbury.

The king mortified with a ſucceſſion of ill news. Echard. III. p. 918. 920.

The deſertion of his principal officers was not the only cauſe of the king's mortal fears. Scarce a day paſſed, but what brought him ſome diſagreeable news from different parts of the kingdom. The earl of Bath had made himſelf maſter of Plymouth, where the Dutch fleet lay ſecure. The

(c) This ſkirmiſh was on November [illegible], at Wincanton, between a detachment of ſeventy horſe and fifty dragoons and grenadiers of the king's; and twenty-five men of the prince of Orange's. Kennet, p. 530.

earl

earl of Shrewſbury, and Sir John Guiſe had, with the aſſiſtance of the inhabitants, forced the duke of Beaufort to ſurrender the important city of Briſtol. The earl of Devonſhire, at the head of a great number of Derbyſhire gentlemen, had declared for a free parliament, agreeably to the prince's declaration. The earl of Danby had ſecured York; and having diſarmed and turned out all the Papiſts, (who, under the protection of the duke of Newcaſtle, ſtood up for the king) declared for a free parliament. The town of Berwick ſoon followed the example of York, and the gentlemen of Nottinghamſhire had done the ſame. Colonel Copley, deputy-governor of Hull, ſurprized that town, and made the lord Langdale, the Popiſh governor, priſoner. The duke of Somerſet and the earl of Oxford, came to offer their ſervice to the prince of Orange. The duke of Ormond entered Oxford without reſiſtance, and cauſed the prince's declaration to be read there. In fine, the king heard, that five commiſſioners from Scotland, among whom were the duke of Queenſbury, and the lord of Belcarris, were coming to London, to demand a free parliament in that kingdom. But the king's greateſt affliction was, to ſee himſelf forſaken by his own daughter, the princeſs of Denmark, who had privately withdrawn from Whitehall, being attended by the biſhop of London, mounted and armed, and retired to Nottingham, from whence ſhe was conducted to the prince her huſband at Oxford. Some days before, it was reported, that the queen had treated her very rudely, and proceeded ſo far as to ſtrike her. This ſo incenſed the people, that as ſoon as they found ſhe appeared not at Whitehall, they offered to tear all the Romiſh party in pieces, upon a ſurmiſe of her being murdered, or confined, but on the news of her being in ſafety, they were appeaſed. At her going off, ſhe writ the following letter to the queen.

James II. 1688.

Nov. 20.

The princeſs of Denmark retires. Kennet, p. 531. Burnet, p. 792. Echard. III. p. 920.

"MADAM,

"I Beg your pardon, if I am ſo deeply afflicted with the ſurprizing news of the prince's being gone, as not to be able to ſee you, but to leave this paper to expreſs my humble duty to the king and your ſelf; and to let you know that I am gone to abſent my ſelf, to avoid the king's diſpleaſure, which I am not able to bear, either againſt the prince or my ſelf; and I ſhall ſtay at ſo great a diſtance, as not to return before I hear the happy news of a reconcilement. And as I am confident the prince did not leave the king with any other deſign, than to uſe all poſſible means

The princeſs of Denmark's letter to the queen. Kennet, p. 351. Echard.

"for

James II. 1688. "for his preſervation; ſo I hope, you will do me the juſtice "to believe, that I am not capable of following him for any "other end. Never was any one in ſuch an unhappy condi- "tion, ſo divided between duty and affection to a father and "a huſband; therefore I know not what to do, but to follow "one to preſerve the other. I ſee the general falling-off of "the nobility and gentry, who avow to have no other end, "than to prevail with the king to ſecure their religion, which "they ſaw ſo much in danger, by the violent counſels of the "prieſts; who, to promote their own religion, did not care "to what danger they expoſed the king. I am fully per- "ſuaded, that the prince of Orange deſigns the king's ſafety "and preſervation, and hope all things may be compoſed "without more bloodſhed, by calling of a parliament. God "grant a happy end to theſe trouble, that the king's reign "may be proſperous, and that I may ſhortly meet you in "perfect peace and ſafety: till when, let me beg you to "continue the ſame favourable opinion [illegible] hitherto ha[illegible] "of,

Your [illegible]

King James abuſed by his counſellors.

From what has been ſaid it appears, that the [illegible]tion was almoſt univerſal, and not confined to the court and the army. It is inconceivable, that the king ſhould not have ſeen it, or ſhould have ſo ill an opinion of the Engliſh as to think, they would quietly ſuffer their laws and religion to be deſtroyed: that he ſhould imagine, the [illegible] commiſſion in his army, and obliging him to take the oath of allegiance, ſhould free him from, or at leaſt make him forget his duty to God and his country. But it muſt be remembered, what the princeſs of Denmark informed the queen, that the kings counſellors cared not to what danger they expoſed him. In making him the inſtrument to execute their deſigns, they no farther regarded his perſon, than as it ſerved to eſtabliſh their religion, in which they could not ſucceed without rendering him abſolute, and James imprudently fell into the ſnare. Herein may be obſerved the difference between Charles II, and James II. The firſt was always ſenſible, that the zealous promoters of abſolute power intended his grandeur only as a means to accompliſh other projects. Wherefore, when he ſaw himſelf engaged in very dangerous courſes, he forſook them as well as he could, and left his counſellors, his miniſters, and even his own brother in the danger. This was his frequent practice, and he thereby bequeathed to the duke his brother, the difficulty and peril of a contrary method. But James II, in purſuing a directly op-

The different character of Charles II, and James II.

poſite

poſite courſe to that of Charles, gave himſelf up entirely to the counſels of thoſe, who, to attain their own ends, regarded not to what danger they expoſed him by their violent proceedings. James II. 1688.

Be this as it will, the king, at the time I am ſpeaking of, was plunged in a gulph of difficulties, without perceiving any way to eſcape. The queen was diſmayed, and her conſternation inexpreſſible. Father Petre was retired into France, under the protection of the lord Waldgrave, ſent thither in the room of Skelton. The violent counſels of Jefferies were now unſeaſonable. The Popiſh counſellors, ſeeing all their meaſures broken, took care to ſhelter themſelves from the impending ſtorm, to which they left the king expoſed. In ſhort, Mr. Barillon the French ambaſſador, and Monſieur de Lauſun, then in London, vented themſelves in fruitleſs reproaches on the king, for refuſing the aſſiſtance offered by France, without directing him how to repair that error. In this extreme diſtreſs (more eaſy to be imagined than deſcribed) his ſole refuge was to turn to the Proteſtant peers, whoſe counſels he had before rejected, whom he had deprived of their employments, and, in a word, treated as enemies. He therefore aſſembled all the peers, ſpiritual and temporal, that were in London. The number indeed was but ſmall, there being many with the prince of Orange, or in ſeveral parts of the kingdom for his ſervice. When they were met, he prayed their advice concerning the preſent exigencies. On this occaſion, he had the mortification to hear a long enumeration of all his unwarrantable proceedings, ſince his acceſſion to the throne, and particularly his violent meaſures to deſtroy the Proteſtant religion, and ſubvert the liberties of England. Theſe, it was ſaid, had occaſioned the dangerous ſymptoms that now appeared in the body politic, and for which there was no other remedy than a free parliament. The neceſſity therefore was repreſented to his majeſty, 1. Of granting a general pardon to all thoſe who either came over with the prince of Orange, or had joined him ſince his landing. 2. Of deputing ſome lords to his highneſs, to treat with him about a ſuſpenſion of arms, and to endeavour to bring matters to an accommodation. And laſtly, Of turning all Papiſts immediately out of their employments, to convince the world, that his majeſty acted with ſincerity.

The king in great difficulties. Kennet, p. 529.

Conſults the Proteſtant peers. Kennet. p. 531. Echard. III. p. 921. Burnet, p. 794.

Their advice.

The king took that night to conſider of the advice, and the next day declared in council, that he was reſolved to call a free parliament, that ſhould meet the 15th of January next enſuing. Accordingly, the chancellor was ordered to iſſue

The king declares he will call a free parliament.

out

James II. 1688.

Kennet, p. 531.

A proclamation for that purpose, Nov. 30. Gazettes, No. 2406. Nov. 26.

out the writs. Then he published a proclamation, in which he declared, that all his subjects should have free liberty to elect, and all the peers, and such as should be elected members of the house of commons, should have full liberty and freedom to serve and sit in parliament, notwithstanding they had taken up arms, or committed any act of hostility, or been any way aiding or assisting therein. He likewise declared in council his intention of sending commissioners to treat with the prince of Orange: but as to that part of the advice relating to the Roman Catholics, his majesty only said, "He "would leave that matter to be debated in parliament." However, Sir Edward Hales, a Papist, and lieutenant of the Tower, having been obnoxious to the city of London, by threatening to bombard it, was displaced, and colonel Skelton put in his room.

Commissioners sent to treat with the prince of Orange.

The commissioners nominated by the king to treat with the prince of Orange, were the marquis of Halifax, the earl of Nottingham, and the lord Godolphin. They left London the second of December, and on their way met with passes from the prince.

A false declaration published in the name of the prince of Orange. StateTracts, T. I. p. 84. Echard, p. 922.

At the same time appeared a printed paper in London and other places, called, "The Third Declaration of the prince "of Orange," dated the 28th of November. It was penned by a private, and still unknown hand, which had the boldness to put the prince's name to it, and disperse it thro' the kingdom (a). Amongst other things he made the prince say, That as he would offer no violence to any but in his own necessary defence, so he would not suffer any injury to be done to the person, even of any Papist, provided he was found in such place, and condition, and circumstances, as the law required. But he declared, that all Papists who should be found in open arms, or in any other civil or military office, contrary to the known laws of the land, should be treated by him and his forces, not as gentlemen and soldiers, but as robbers, free-booters, and banditti's; so should all persons found any ways aiding or assisting to them. That whereas he was certainly informed, that great numbers of armed Papists had of late resorted to London and Westminster, and parts adjacent, not so much, he had reason to suspect, for their own security, as out of a wicked design to make some desperate attempt upon the said cities and their inhabitants, he therefore required all magistrates and officers, civil and military, to dis-

(a) Hugh Speke has owned himself the author of it. Secret Hist. of the Revolut.

arm

arm and ſecure them, that all power of doing miſchief might be taken from them: That thoſe majeſtrates or others, who ſhould refuſe to aſſiſt him, to execute vigorouſly what he required of them, ſhould be eſteemed the moſt criminal and infamous of all men; betrayers of their religion, laws, and country, of whom he would require the life of every ſingle Proteſtant that ſhould periſh, and every houſe that ſhould be burnt or deſtroyed, by their treachery and cowardice. James II. 1688.

This declaration, publiſhed in the prince's name, though it was diſowned by him, finiſhed the confuſion of the Papiſts; and the more, as ſeveral juſtices of peace cauſed it to be publiſhed, not imagining that any private man would have had the boldneſs to undertake ſuch a thing. From this time the Popiſh party were reduced ſo low, that they durſt not hold up their heads. "An Hue and Cry after Father Petre," was publickly cried and ſold in the ſtreets, notwithſtanding he was a privy-counſellor. A legal accuſation againſt the earl of Saliſbury, "For infringing the moſt ſacred laws of the king-"dom by turning Papiſt," was preferred to the grand jury of Middleſex, who found the bill. Echard. III. p. 924.

The 6th of December the three commiſſioners by an expreſs acquainted the king, "That they were to meet the "prince of Orange that night at Ameſbury." But the next day they informed his majeſty, "That his highneſs had "made a new appointment to meet them at Hungerford, "and had ſent to them the earls of Clarendon and Oxford, "to deſire them to make their propoſals in writing." This meſſage ſurprized the king, chiefly becauſe the prince had deputed the earl of Oxford, who had never been concerned in any public affair, and the earl of Clarendon was mortal enemy of the marquis of Hallifax. He inferred from thence, the prince's unwillingneſs to come to any accommodation. For this cauſe, Earillon and Lauſun earneſtly preſſed the king, to ſecure himſelf, the queen, and the prince of Wales, by a timely receſs from the nation. But he was willing ſtill to wait for the ſucceſs of the negotiation with the prince of Orange. The Popiſh party ſinks entirely. Id. p. 925. Kennet, p. 532. Ibid.

The ſubſtance of the propoſals delivered by the king's commiſſioners to the prince was, "That the king obſerving that "all the cauſes of complaint, alledged by his highneſs, "ſeemed to be referred to a free parliament, he had iſſued "his writs for calling one (b). That he had ſent commiſ- The king's propoſitions to the prince. State Tracts, T. I. p. 86. Kennet, p. 534. Echard. III. p. 926.

(b) He had indeed called a parliament, but the writs were not yet ſent down. Rapin.

"ſioners

James II. 1688.

" ſioners to his highneſs for adjuſting all matters relating to " the freedom of elections, and ſecurity of the parliament; " and, in order to that, propoſed, that the reſpective armies " might be kept at ſuch a diſtance from London."

The prince, who was then marching towards London, returned no anſwer to theſe propoſals, but the next day, with the advice of the lords and gentlemen aſſembled with him, he put the following propoſitions into the hands of the king's commiſſioners.

The prince's propoſals.

" I. That all Papiſts, and all ſuch perſons as do not qualified by law, be diſarmed, diſbanded, and removed from " all employments, civil and military.

" II. That all proclamations that have been iſſued upon us be recalled; and that if any perſons, for having aſſiſted us, have been committed, that they be forthwith ſet at liberty.

" III. That for the ſecurity and ſafety of the city of London, the cuſtody and government of the Tower, be immediately put into the hands of the city.

" IV. That if his Majeſty ſhall think fit to be in London, " during the ſitting of the parliament, [illegible] alſo, with equal number of guards [illegible] pleaſe to be in any place from London [illegible] he thinks fit, that we may be at a [illegible] ſtance; and that the reſpective [illegible] thirty miles; and that no [illegible] the kingdom.

" V. That for the ſecurity of [illegible] their trade, Tilbury fort be put [illegible] city.

" VI. That a ſufficient part of the [illegible] ſigned to us, for the ſupport and maintenance of our troops, until the ſitting of a free parliament.

" VII. That to prevent the landing of [illegible] other foreign troops, Portſmouth may be put into ſuch hands, as by his majeſty and us ſhall be agreed on."

Their moderation owned by the king. State Tracts. T. I. p. 87. Echard, III. p. 924.

Theſe propoſals were ſo reaſonable, that the king himſelf could not help owning, " They were better than he expected." Indeed, the prince of Orange ever adhered to his declaration, in which he only demanded entire freedom for the parliament, and a ſufficient ſecurity for the city of London, without ſtipulating any other advantage for himſelf than the maintenance of his army, till the ſitting of the parliament, for about ſix weeks. As the king could no longer hope to execute his firſt deſigns, it ſeems that nothing could be more advantagious to him in his preſent ſituation, deſerted by all,

and

and not knowing which way to turn, than to be freed from his difficulties, by restoring things to their ancient and natural state. Had he discovered a willingness to embrace these proposals, probably, the parliament would have asked no more of him, than the establishment of their religion and laws, so as not to be easily shaken, and he might have kept his crown, though perhaps with some diminution of the rights claimed by himself, his brother, father, and grandfather. This cannot be said to be a hard condition, considering how he had governed, and the present situation of his affairs. He even seemed at first disposed to accept these proposals, and refer to the next parliament the decision of all differences, since that very day he called an extraordinary council of all the lords that were in town. As it was plain, he would be advised to accept the proposals by all the lords, it could hardly be doubted, that he had such an intention, and only called the council for form-sake. It is not known what passed in it, but only that the same council was ordered to meet the next morning, to give their farther advice upon the exigency of affairs. Before the council broke up, the King, addressing himself to the duke of Bedford, said, "My lord, "you are a good man, and have a great influence: you can "do much for me at this time." To which the duke replied, "I am an old man, and can do but little;' then added with a deep sigh, "I had once a son, that could now "have been very serviceable to your majesty." This was meant of the lord Russel, beheaded in the late reign, who was sacrificed to the vengeance of the king, then duke of York. The king was struck dumb with this answer, so that he could make no reply.

James II. 1688.

Who calls an extraordinary council. Echard. III. p. 927.

Which is ordered to meet the next day.

Every thing seemed to promise an accommodation, and it was not doubted, but the next day some resolution would be taken for the peace and security of the kingdom. But that same night the king, as 'tis supposed, consulted with some of his Popish counsellors, whose interested advice overthrew all those flattering expectations. These counsellors easily perceived, what they were to expect from a free parliament. It was manifest, nothing could free the king from his present difficulties, but the delivering up the Popish religion to the resentments of the Protestants, and the passing such acts as would hinder its being ever established in England. They therefore thought it more advantagious to their religion, that the king should preserve all his pretensions, though unable to support them, than sacrifice them to the parliament. To that end, they advised him to withdraw into France. They

The King suffers himself to be gained by his Popish counsellors. Echard, III. p. 927. Burnet, P. 795.

repre-

James II. 1688. represented, how dishonourable it would be to retract what he had done, how prejudicial to the Catholic religion, to be forced to give his assent to such acts of parliament as would tend only to render its establishment impracticable. That the Catholics would be entirely destitute of any resource, whereas by preserving his rights, he might hope to be restored by the arms of France, and finish the work so gloriously begun. In a word, by this interested counsel, they clearly discovered, if the king had been willing or able to perceive it, that not his person, but their religion was the sole object of their concern.

who are assisted by the queen. Burnet, p. 795.

In fine, to give more weight to their reasons, they instilled into the queen such apprehensions, as made her use all her influence with the king, to engage him to do as he was advised. They told her, the parliament would be far from being favourable to the king and herself: that being both suspected, and even openly accused in the prince of Orange's declaration, of imposing an heir upon the crown, it was very apparent, the parliament, to favour the prince of Orange, would declare the prince of Wales supposititious, that [illegible] would be accused for the fact, [illegible] peach the queen, her mother-in-[illegible] important: that a short exile with [illegible] prince, who was able to restore them [illegible] in their own kingdom, with [illegible] in dishonour, indigence, and [illegible]

She resolves to go into France. Kennet, p. 532.

they ought to command. [illegible] as it is pretended, by Barillon [illegible] pression upon the queen, that [illegible] with the prince of Wales, [illegible] king, that he would follow [illegible]

and accordingly goes. Orleans. Echard. III. p. 928.

Pursuant to this resolution, [illegible] and 10th of December, [illegible] Thames to Lambeth in an [illegible] rain. At Lambeth, under the [illegible] till a coach could be got ready [illegible] from thence to Gravesend, where she imbarked with the prince of Wales on a small vessel, which conveyed them safely to Calais. From thence she went to Versailles, where she was received by the king of France with great marks of affection, which was some alleviation to her melancholy situation.

The king follows her.

The king being fully determined to follow the queen, waited but one day to execute his design. The night between the 10th and 11th of December, in a plain suit, and a bob wig, he took water at Whitehall, accompanied only by Sir

Sir Edward Hales, Mr. Sheldon, and Abbadie a Frenchman, page of the back-ſtairs, without acquainting any other with his intention. If the manner in which this monarch intended to leave his dominions is impartially conſidered, it will hardly be denied, that this was an entire deſertion of them, and a putting of his ſubjects into the ſtate in which nature dictates to men, to provide for their own ſafety. Firſt, he fled without being purſued, and without any cauſe to fear, either for his life or liberty. So that it is manifeſt, his conſcience ſuggeſted evils to him, which were never intended. Secondly, He fled without any proviſion for the government of the kingdom. From this conduct it was afterwards inferred, that he abandoned his ſubjects in a perfect anarchy, and thereby authorized them to chuſe what form of government they pleaſed, or to elect another king. Thirdly, by his flight he violated the promiſe ſo ſolemnly made in his proclamation of calling a parliament. Fourthly, before he went off, he writ to the earl of Feverſham to diſband the army, without any care of their pay, probably, on purpoſe to cauſe diſturbances in the kingdom, by the diſcontents of the officers and ſoldiers. Fifthly, he ordered all the writs to be burnt, that were not ſent out for electing the parliament, imagining, doubtleſs, that after his departure, it would not be poſſible to aſſemble a parliament, which by the laws could only be called by the king. Sixthly, when he took water, he threw the great-ſeal into the Thames, that nothing might be legally done in his abſence. If this may not be called a real deſertion of his kingdom, it will be difficult to give a name to ſuch proceedings.

James II. 1688.

Hiſt. of Deſert. p. 88. Echard. III. p. 928. Burnet. A remark upon his conduct.

Kennet, p. 532. Echard. III. p. 929. Burnet, p. 796.

As ſoon as the king's flight was known, a general conſternation enſued, moſt people being ignorant how they were to behave on ſo extraordinary an occaſion. However, about thirty ſpiritual and temporal lords met at Guild-hall, and ſent for the lord-mayor and aldermen. After a ſhort conſultation, they reſolved, to adhere to the prince of Orange, and ſend meſſages to him, with this reſolution ſigned by the whole aſſembly. Then they ſent for colonel Skelton, lieutenant of the Tower, of whom they demanded the keys, which he willingly reſigning, they were given to the lord Lucas. Preſently after, the common-council of the city ſent deputies (a) to the prince, with an addreſs, imploring his protection, and praying him to honour the city with his preſence.

The lords in the town meet at Guild-hall. Decem. 11. Kennet, p. 533. Echard. III. p. 930. Hiſt. of Deſert. p. 88. The prince ſent to by them and the common council.

(a) Sir Robert Clayton, Sir Baſil Firebrace, Sir William Ruſſel, and Charles Duncomb, Eſq; Kennet, p. 534.

James II. 1688.

An insurrection of the mob. Echard. III. p. 932.

Though, upon the king's flight, the militia of London and Westminster were immediately up in arms, they could not prevent the mob from assembling and committing some disorders. They confined their rage chiefly to the mass-houses erected by the king in the city and suburbs, which they demolished entirely, and made bonfires with the materials. And as there were also chapels in the houses of Ambassadors, those of the Spanish and Florentine ambassadors were rifled, before a stop could be put to the disorder. In the first of these chapels the principal court-Papists had conveyed all their valuable effects, and this probably was the chief cause of the pillage. The houses of the other ambassadors were preserved, by the great care of some lords. The two ministers of Spain and Florence were afterwards largely recompensed for their losses (b).

Chancellor Jefferies seized and ill used by the rabble. Dec. 12. Ibid. Kennet, p. 535. Sent to the Tower,

During these disorders of the mob, chancellor Jefferies, disguised in a seaman's habit, in order to escape in a vessel freighted for Hamburgh, was discovered (c) as he was looking out of the window of the house where he had concealed himself. He was immediately seized by the mob, and, after many indignities put upon him, carried before the lord mayor, who declined meddling with him. But [illegible] himself in the hands of an enraged mob, [illegible] tear him in pieces, desired that he might be sent to the Tower, which at last was granted him, not [illegible] of seeing him shortly conducted from [illegible] to [illegible] ws. It is pretended, he offered to [illegible] for that reason, was kept some time in prison, till the affairs of the government should be settled. But he died in that interval, by the blows he had received, according to some; by drinking spirituous liquors, according to others, and as some pretend, of the stone. Never man had better deserved a public punishment, as an atonement for all the mischiefs done to his country, and for all the blood spilt by his means.

where he dies.

The earl of Feversham disbands his army. Kennet, p. 534. Echard. III. p. 933.

Mean time, the earl of Feversham, after having communicated the king's letter to the principal officers, [illegible] army, and gave notice of it by a trumpet to the prince of Orange, who returned no answer. This made it thought the prince did not approve of his conduct. And indeed it seems, that in such a juncture, if he was unwilling to pay so much deference to the prince, as to communicate to him the order

(b) The Spanish ambassador had seventeen thousand pounds for his losses. Buckingham's Account of the Revolution, p. 16.

(c) By a clerk in chancery, that accidentally passed by. Kennet, p. 535.

before

before it was executed, he ſhould not have done it, at leaſt without the advice of the lords aſſembled at London, who in the preſent ſtate of the kingdom had a right to interpoſe in the government. Accordingly, his conduct was greatly blamed; and this fault was the more taken notice of, as it occaſioned an alarm which threw the city and country into the utmoſt conſternation. Some Iriſh ſoldiers of the diſbanded troops, finding themſelves moneyleſs, and incapable of ſubſiſting in a country where they were ſo generally hated, reſolved to keep themſelves from ſtarving, by forcibly entering a country-houſe. Whereupon a man of the neighbourhood runs directly to London, crying, as he paſſed, "That the Iriſh "were up, and marching to London, firing of houſes, and "putting man, woman, and child, to the ſword." The news immediately flew through the city, and cauſed a ſtrange panic fear. This report, as it went along, ſo gathered, that the terror was increaſed. The city was in alarm all night, expecting every moment the arrival of the Iriſh. Some prepared for flight, others ran to arms, not a window in London and Weſtminſter, but what was illuminated. From London the conſternation ſpread through the whole kingdom, ſo that in the remote parts, where people had more time to conſider what was to be done, a reſolution was taken, in caſe the news ſhould be true, of deſtroying all the Iriſh, and Papiſts in England. Happily this terror vaniſhed in London as ſoon as the real cauſe of it was known.

James II. 1688.

A panic terror ſeizes London, and from thence is ſpread thro' the whole kingdom. Hiſt. of Deſert. p. 91.

Mean time, the prince of Orange being advanced as far as Henley, and fearing the diſorders which might be committed by a diſbanded army, publiſhed a ſhort declaration, requiring all colonels to call together the ſeveral officers and ſoldiers of their reſpective regiments, in ſuch places as they ſhould think convenient, and there to keep them in good order and diſcipline, till farther orders. This declaration was followed by another from the lords aſſembled at London, to the ſame effect, with the additional promiſe of ſubſiſtence, till they ſhould be otherwiſe provided for, to all officers and ſoldiers who ſhould obey, and deliver up their arms to perſons appointed to receive them. Beſides this, all magiſtrates were required to apprehend, and ſeize, all ſuch ſoldiers as ſhould not repair to their reſpective bodies, and to deal with them as vagabonds.

The prince of Orange re-aſſembles the king's army. Dec. 13. Kennet, p. 535. Echard. III. p. 934. The lords purſue the ſame deſign.

All theſe things were tranſacted, in the belief, that the king had left the nation; and indeed he was gone from Whitehall with that intention. He was got as far as a little place near Feverſham, and had even embarked in a ſmall veſ-

The king arreſted, and abuſed by the rabble at Feverſham.

James II. 1688. ſel that was to carry him to a frigate, ready to tranſport him to France. This veſſel, not being able to ſail immediately, by reaſon of a tempeſtuous wind, Sir Edward Hales, one of the king's attendants, ſent his footman to the poſt-office at Feverſham. His livery was known by a man, who told ſome others, that Sir Edward was not far off. The footman was followed to the river-ſide, and ſeen to make ſigns to ſome people on board a bark; whereupon the fiſhermen, and other perſons of Feverſham, immediately boarded the veſſel where the king was. Sir Edward was ſoon known, and the king being taken for his chaplain, had many indignities put upon him. Then, ſearching him, they found four hundred guineas, and ſeveral valuable ſeals and jewels, which they took from him. Amongſt the people who crouded into the ſhip, there happened to be a conſtable who knew the king, and throwing himſelf at his feet, begged him to forgive the rudeneſs of the mob, and ordered reſtitution to be made of what had been taken from him. The king received the jewels and the ſeals, but gave the four hundred guineas among them. After this, he deſired to be gone, but the people, by a fort of violence conducted him to a public inn in the town. Here he ſent for the earl of Winchelſea, lord-lieutenant of the county, who prevailed with him not to leave the nation, but to return towards London.

Kennet, p. 535. Burnet, p. 796.

Returns to London: Kennet, p. 536. Echard. III. p. 935. Burnet, p. 799.

This news being brought to London, produced various effects. Some wiſhed the king had never [illegible]; others were glad of an opportunity to convince him, there was never any ill deſign againſt his perſon. The lords and the magiſtrates of London, who had made ſuch advances towards the prince of Orange, were confounded at their haſty [illegible] were under ſome fear, in caſe the ſtate of affairs ſhould be altered. At laſt, the lords aſſembling, thought proper to appoint [illegible] of their body (d) to wait on the king, with an invitation to return to Whitehall, and with aſſurances of his being received with all due reſpect; and coaches were immediately ſent to bring him. At the ſame time, an expreſs was diſpatched to the prince of Orange, to acquaint him that the king was ſtill in the nation. The prince, who was come as far as Windſor, was not a little ſurprized at the news. He was marching to London to ſettle with the lords, by whom he was expected, the affairs of the nation, in the ſuppoſition that the king had left it. But his majeſty's return threw the prince

(d) The earls of Middleton, Aylesbury, Yarmouth, and Feverſham. Kennet, p. 536.

into

into great perplexity, and of course would oblige him to take other measures. Nevertheless, as the king had no army, and by his hasty flight, had entirely forfeited the confidence of all his friends, and the esteem of his enemies, as he was not in a condition to command, but in some measure depended upon others, the prince dispatched Monsieur Zuylestein to him, to desire him to remain at Rochester, till it could be agreed what was to be done. But Zuylestein missing his way, the king came to London the 16th of December, about four in the afternoon, where he was received with acclamations as if he had been returning from victory. James II. 1688.

The king being restored to his palace, and in some manner to his deserted royalty, discovered an inclination to resume his old measures, and still brave the Protestants. In all appearance, the acclamations as he passed through London, had revived his courage, and put him in hopes of a general declaration in his favour. The first thing he did was to publish an order of council, wherein he said, That being given to understand, that divers outrages had been committed in several parts of the kingdom, by burning, pulling down, and defacing of houses, he commanded all lord-lieutenants, &c. to prevent such outrages for the future, and suppress all riotous assemblies. This was his last public act, which crowned so many others done in his reign, in favour of the Papists. Moreover, he discharged Leiburn, a Popish bishop, who had been sent to Newgate, and during his short stay at Whitehall, was surrounded, as formerly, with priests, Jesuits, and Irishmen.

His last act of royalty. Kennet, p. 536. Echard. III. p. 935, 936.

The king, in his journey to London, dispatched the earl of Feversham with a letter to the prince, "Kindly to invite him "to the palace at St. James's, with what number of guards "and troops he should think convenient to bring along with "him, that they might amicably and personally confer toge-"ther about the means of redressing the public grievances." The prince returned no answer. But the moment the earl of Feversham was out of his presence, Monsieur Bentinck demanded his sword, and told him, he had orders to secure him. This doubtless was owing to his precipitate disbanding the army. Some indeed have thought it was only a pretence to remove him from the king's person, being suspected of giving him ill advice, or perhaps, because he was too much devoted to him, though he ever professed the Protestant religion.

The earl of Feversham sent by the king to the prince, is arrested. State Tracts, T. I. p. 92. Kennet, p. 536. Echard, III. p. 936.

In a Council held by the prince, and the English lords who were with him, it was resolved, "That the royal palace at

James II. 1688.

"Whitehall, being ſtill crouded with Iriſh Papiſts, prieſts, "and Jeſuits, his highneſs could not with eaſe and ſafety re- "main at St. James's, where he muſt neceſſarily go the next "day, without his Majeſty and his Popiſh guards were re- "moved within a reaſonable diſtance from London." Moreover, an accident which happened two days before, provoked thoſe who were concerned for the prince's life. The duke of Grafton marching through the Strand at the head of a regiment, to take Tilbury fort out of the hands of the Iriſh, an Iriſh officer riding up to him, fired a piſtol at him; for which he was ſhot dead upon the place. Much more might ſuch an attempt be apprehended againſt the prince, from ſome of the king's guards. In the debate, it was propoſed to ſend the king priſoner to Breda. But the prince of Orange rejected the propoſal with indignation, proteſting, That he could not conſent to put him under any reſtraint. At laſt, ſince the prince's preſence at London was abſolutely neceſſary, it was agreed, that the king ſhould be deſired to remove to Ham, a houſe belonging to the duchess of [illegible]. It appears from hence, that the king's approbation was no longer conſidered as abſolutely neceſſary to ſettle the affairs of the kingdom. And indeed it ſeems, that ſince he had [illegible] abandoned all, he had no right to pretend to any thing. Pur- ſuant to this reſolution, the prince of Orange ſigned an order, directed to the marquis of Hallifax, the earl of Shrewſbury, and the lord Delamere, to acquaint the king with it, and to tell him, he ſhould be attended by his guards, to preſerve him from any diſturbances.

Burnet, p. 800.

Three lords ſent by the prince to the king. Dec. 17.

Immediately after, the prince ordered the regiment of his guards, conſiſting of three battalions, to march and take poſſeſſion of all the poſts about Whitehall and St. James's, either by perſuaſion or force. The king being informed of it, ſent for count Solms who commanded theſe guards, and deſired him, "If it could be, to let him have his own guard at "Whitehall, only for that night," but the count alledging his order, "to relieve all the poſts," the king anſwered, "do your office." At ten a clock at night, the Dutch blue guards entered St. James's houſe, and towards eleven, thoſe who were ordered to Whitehall, moved through the Park, and with lighted match, and in order of battle, marched up to the king's guards. The captain of the guards ſcrupling to diſlodge, at laſt received the king's orders to retire. After this, the Dutch took poſſeſſion of the guard-houſe, and at the ſame time relieved all the poſts about Whitehall and the Park, placing every where double centries. So that, during the reſt

The Dutch guards take poſſeſſion of Whitehall and St. James's.

State Tracts, T. I. p. 93. Kennet, p. 537. Echard. III. p. 937.

rest of the night, the king was really in the power of the prince of Orange. An hour after midnight, the three lords appointed by the prince came to Whitehall, and sent to awake the king for an audience. The king ordering them to come to his bedside, they delivered the prince's message, which was to desire his majesty's departure to Ham; to which the king consented; but after they were withdrawn, he ordered them to be recalled, and bid them tell the prince, that he desired rather to go to Rochester, according to the prince's message by Zuylestein, to which the prince consented that very night. His answer coming to the king at eight in the morning, the king about noon took a barge, attended by the earls of Aylesbury, Litchfield, Arran, and Dumbarton, six of the yeomen of his guard, and about a hundred of the Dutch guards, commanded by the lieutenant-colonel of the regiment. About nine at night he arrived at Gravesend, where he found his own coaches, and some troops of the militia, by whom he was the next day conducted to Rochester.. James II. 1688. The king desired by the prince to remove to Ham, makes choice of Rochester,

The prince arrived at London the same day the King left Whitehall, and lodged at St. James's, where he received the compliments of the nobility, the lord-mayor, aldermen, and common-council of the city of London. From this time it may be said, the king was a mere cypher. He was not a prisoner, but had no power left of doing good or hurt, so that most of the lords who had any employments at court, laid down the badges of their offices, as the staff, the key, &c. as believing they had no longer any right to excercise the same. The prince of Orange arrives at St. James's, Dec. 18. Kennet, p. 537. Echard. III. p. 938.

During the rejoicings at London for the prince's arrival, the mob insulted the Papists again, not excepting ambassadors. As there was properly no government, such disorders were almost unavoidable, no person daring to undertake to restrain them. At last, the privy-council ordered, that all foreigners should be permitted quietly to leave the kingdom. The prince of Orange sent particular passes to the pope's nuntio, the envoys of Poland, Savoy, and Modena. The Popish lords, Langdale and Montgomery, were released. But the earls of Peterborough and Salisbury were kept in custody, on account of impeachments against them. Romish priests and Jesuits, apprehended since the king's flight, were likewise detained. A second insurrection of the mob. Ibid. The prince assembles the peers about London. Dec. 21. State Tracts, T. I. p. 100. Echard. III. p. 939. Kennet, p. 537.

Mean while, as it was absolutely necessary to put an end to the present anarchy, the prince of Orange assembled the lords spiritual and temporal in London, to the number of above threescore, and made this short speech to them. "My "lords, I have desired you to meet here, to advise the best "manner

James II. 1688. "manner how to purſue the ends of my declaration, in calling a free parliament, for the preſervation of the Proteſtant religion, the reſtoring the rights and liberties of the kingdom, and ſettling the ſame, that they may not be in danger of being again ſubverted." Upon ſpeaking theſe words, he withdrew and left them to conſult together. His declaration was read, and the lords voted him their particular thanks. Then they reſolved to aſſemble every day in their old houſe at Weſtminſter, and named five of the moſt eminent lawyers (e) to aſſiſt them in the room of the judges, who were moſt of them abſent. It was farther propoſed, that the whole aſſembly ſhould ſign the aſſociation ſubſcribed by the nobility and gentry at Exeter. To this all agreed, except the duke of Somerſet, the earls of Pembroke and Nottingham, the lord Wharton, and all the biſhops but that of London. The objection of the biſhops was chiefly founded upon the unchriſtian word "Revenge," which, to ſatisfy them, was afterwards changed for that of "puniſhment."

The biſhops and ſome temporal lords refuſe to ſign the aſſociation. Echard.

In the mean time, the king was at Rocheſter in a melancholy ſituation. He perceived his flight had done him an irreparable injury. The proceedings at London ſhowed, that he was no longer regarded as a king to be intruſted with the government, and it was not in his power to reſtore himſelf by force. Nevertheleſs, ſome of his friends preſſed him to call a parliament, aſſuring him that ſince his misfortune there was a great turn in the minds of the city and army, and that compaſſion for him generally prevailed. But the very name of a free parliament made him tremble. For, beſides that his conſcience might reproach him and inſpire this fear, he plainly ſaw, the leaſt which could befal him, would be, that the parliament would take effectual meaſures for the ſecurity of the Proteſtant religion, and that, as long as he lived, he ſhould be ever diſtruſted. Probably it was the fear of paſſing the reſt of his days in ſo uncomfortable a ſtate, which determined him to withdraw into France. Indeed in taking that courſe, he might hope one day to be reſtored by the aſſiſtance of that crown. Whereas by ſtaying in England, he ſaw no other advantage, than the enjoyment of a royalty, ſurrounded with troubles and mortifications, and in which he could not without danger attempt to recover his former authority. Whatever were his motives, which can only be gueſſed, on the 23d of December, about three in the morning, he pri-

State Tracts T. I. p. 95. Kennet, p. 538. Echard. III. p. 940. Burnet, p. 804.

(e) Sir John Maynard, Holt, Pollexfen, Bradford, and Atkinſon. Kennet, p. 537.

vately

vately withdrew, taking with him only the duke of Berwick his natural ſon, Mr. Skelton, and Abbadie, and went on horſeback to a place near the river, where he embarked on a ſmall frigate, which landed him ſafely at Ambleteuſe in France, from whence he repaired to St. Germains. It was eaſy to execute this deſign, no perſon about him having orders to ſtop or hinder him from diſpoſing of himſelf as he pleaſed. Very probably, the prince of Orange received no leſs ſatisfaction from this ſecond, than he had from the firſt flight. The king's preſence in the nation could not but greatly embarraſs him. Beſides his natural generoſity, he had promiſed the princeſs that nothing ſhould be attempted againſt the life or liberty of her father. So, the king could not do a greater ſervice to the prince, than voluntarily to retire out of the kingdom. Eſpecially, as this afterwards furniſhed a pretence to ſay, he had abdicated the crown, which abdication paved the prince's way to the throne. When the king quitted Rocheſter, he left the following paper written with his own hand. James II. 1688.

"The world cannot wonder at my withdrawing myſelf "now the ſecond time. I might have expected ſomewhat "better uſage, after what I wrote to the prince of Orange, "by my lord Feverſham, and the inſtructions I gave him: "but inſtead of an anſwer, ſuch as I might have hoped for, "what was I to expect after the uſage I received, by making the ſaid earl a priſoner, againſt the practice and law "of nations? The ſending his own guards at eleven at "night, to take poſſeſſion of the poſts at Whitehall, without advertiſing me in the leaſt manner of it: the ſending "to me at one of the clock at midnight, when I was in "bed, a kind of order by three lords, 'To be gone out of "my palace before twelve that ſame morning?' After all "this, how could I hope to be ſafe, ſo long as I was in the "power of one who had not only done this to me, and invaded my kingdoms, without any juſt occaſion given for "it; but that did, by his firſt declaration, lay the greateſt "aſperſions upon me that malice could invent, in that clauſe "of it which concerns my ſon. I appeal to all that know "me, nay, even to himſelf, that in their conſciences neither "he, nor they, can believe me in the leaſt capable of ſo "unnatural a villainy, nor of ſo little common ſenſe, to be "impoſed on in a thing of ſuch a nature as that. What "had I then to expect from one, who, by all arts hath "taken ſuch pains to make me appear as black as hell to "my own people, as well as to all the world beſides? What

"effect

James II. 1688.

"effect that hath had at home, all mankind have ſeen "by ſo general a defection in my army, as well as in the "nation, amongſt all ſorts of people.

"I was born free, and deſire to continue ſo; and though "I ventured my life very frankly on ſeveral occaſions, for "the good and honour of my country, and am as free to "do ſo again (and which I hope I ſhall yet do, as old as "I am, to redeem it from the ſlavery it is like to fall un-"der) yet I think it not convenient to expoſe myſelf to be "ſo ſecured, as not to be at liberty to effect it; and for "that reaſon to withdraw; but ſo as to be within call "whenſoever the nation's eyes ſhall be opened, ſo as to "ſee how they have been impoſed upon by the ſpecious "pretences of religion and property. I hope it will pleaſe "God to touch their hearts, out of his infinite mercy, and "to make them ſenſible of the ill condition they are in, and "bring them to ſuch a temper, that a legal parliament may "be called; and that, amongſt other things which may be "neceſſary to be done, they will agree to liberty of con-"ſcience to all Proteſtant Diſſenters; and that thoſe of my "own perſuaſion may be ſo far conſidered, and have ſuch "a ſhare of it, as they may live peaceably and quietly, as "Engliſhmen and Chriſtians ought to do, and not be obli-"ged to tranſplant themſelves; which would be very "grievous, eſpecially to ſuch as love their own country. "And I appeal to all men, who are conſidering men, and "have had experience, whether any thing can make this "nation ſo great and flouriſhing, as liberty of conſcience? "Some of our neighbours dread it. I could add much more, "to confirm what I have ſaid, but now is not a proper "time."

This paper remained not unanſwered. As I have not been able to procure Dr. Burnet's animadverſions upon it (f), I ſhall endeavour to ſupply the want with ſome obſervations.

T. III. p. 941.

The firſt is taken from Mr. Echard, who very juſtly obſerves "That though the king gave ſome reaſons for his ſe-"cond deſertion, he gave none at all for his firſt." Now it was the firſt, which chiefly demonſtrated, that he choſe rather to abandon his kingdoms, than be forced to reſtore religion and the laws.

(f) They are in State-Tracts, Tom. I. p. 126.

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2. The king ſuppoſed, that after the diſobliging manner in which he had been treated by the prince of Orange, he had no room to believe himſelf ſafe. And yet he could not deny, that he had been in the power of the prince, by whom his perſon was untouched. At the very time of his writing this paper, he was at full liberty to concert meaſures for his eſcape into France, and actually executed that deſign, without any oppoſition. James II. 1688.

3. What he ſaid concerning the birth of the prince of Wales, was founded upon the impoſſibility, that thoſe who knew him, ſhould believe him capable of ſo unnatural a villainy. But it was the very belief of his being privy to that unnatural villainy, which fixed the imputation upon him.

4. He aſcribes the defection of his army and the whole nation, to the artifices and calumnies of the prince of Orange; whereas the whole hiſtory of his reign is a demonſtration, that it could only be imputed to his own conduct.

5. He ſuppoſed, that he withdrew himſelf, in order to come and redeem the nation from ſlavery. But this ſuppoſition has been deſtroyed by the event, there having been in England but very few, who really wiſhed his reſtoration.

6. He inſiſted, that liberty of conſcience was abſolutely neceſſary to render the Engliſh nation great and flouriſhing. But there was not, perhaps, a ſingle Engliſhman, who believed this was the end propoſed by the king, or that was not convinced, it was only a pretence to introduce his own, and to deſtroy the Proteſtant religion.

7. His ſaying, that ſome neighbours dreaded the nation's becoming too great, by the eſtabliſhment of liberty of conſcience, was only an inſinuation to make the people believe, that the Dutch had lent their ſhips and forces to the prince of Orange, for that very reaſon.

THE

THE INTERREGNUM.

Interreg. 1688.

UPON the king's departure, there was an interregnum, but of ſuch a nature, as the like had never been known in England. It was not owing to the death, but to the flight of the ſovereign. So, at the ſame time, the nation was without a king, and without any one to repreſent him, and to take care of the government; and yet there was a king, but a fugitive, and who pretended not to renounce his rights. In ſuch circumſtances, it is in vain to appeal to laws, cuſtoms, or precedents, ſince the difference between this ſtate, and that which laws and cuſtoms ſuppoſe, is manifeſt.

The vacancy of the throne.

As ſoon as the lords heard of the king's departure, they believed themſelves inveſted with a power to act in their own names, becauſe indeed, in ſuch a juncture, it could properly belong only to them, to take upon them the government. There was no parliament in being, and conſequently no houſe of commons to join with them. By the death or deſertion of the king, all public offices and employments ceaſe, becauſe they come from him. There remains therefore no authority but in the peers, who are neareſt the throne, and conſequently, more authorized to take care of the government, till it can be ſettled by the body of the nation, by means of a parliament. The ſtate of the kingdom was ſuch, that there was no example of the like to ſerve for a precedent. The king had abandoned the nation, without being forced to it. He was in full liberty, and there did not appear any other motive of his flight, than the fear of being obliged to call a free parliament, which, probably, would not have approved of his late meaſures, but reſtored the conſtitution to its ancient ſtate. The prince of Orange pretended not to have a right to govern; his pretenſions conſiſted only in procuring a free parliament. But this parliament muſt be called by ſome authority. And by what authority could a parliament meet, if the nation continued in anarchy, where no perſon would have a right to meddle with the government? It was therefore the peers, who alone were entitled to take care of the ſtate, or elſe it muſt be ſaid, that becauſe the king-

The lords take upon themſelves the adminiſtration of the government. Echard. III. p. 943.

king was pleaſed to deſert the nation, without ſettling the government, the ſtate was to remain in anarchy, till he ſhould think fit to reſume the care of it. Let the inconveniences ariſing from the power aſſumed by the lords, be never ſo much urged, thoſe which anarchy would have produced, were infinitely greater and more dangerous. Nay, who knows, whether one of the motives of the king's flight, was not to leave the nation in this ſtate of confuſion? Be that as it will, the juncture was ſuch, that extraordinary proceedings could not be avoided. Interreg. 1688.

The firſt thing done by the peers, after conſulting together, was the addreſſing the prince of Orange, "To take "upon him the adminiſtration of publick affairs, both civil "and military; the diſpoſal of the publick revenue; and "the care of Ireland, till the meeting of the intended con-"vention." The addreſs was dated the 25th of December. By a ſecond addreſs they deſired him, "To iſſue out miſſive "letters, ſubſcribed by himſelf, to the lords ſpiritual and "temporal being Proteſtants, and to the ſeveral counties, "cities, and boroughs, containing directions for the chu-"ſing, within ten days, ſuch a number of perſons to repre-"ſent them, as are of right to be ſent to parliament." Theſe addreſſes were ſigned by about ninety lords, that were then preſent in the houſe. They were followed by an order from the ſame peers, to all Papiſts to depart the city of London, and ten miles from the ſame, and not to remove from their habitations above five miles; excepting the ſervants of the queen-dowager, the domeſtics of foreign miniſters, and all houſe-keepers in London, and ten miles from the ſame, who had been traders for three years laſt paſt, provided they gave in to the lord-mayor, their names and places of abode, in eight days; and alſo ſuch Popiſh officers as ſhould give bail in ſix days, to appear the firſt day of the term, and to be on their good behaviour in the mean time; but ſuch officers as ſhould neglect, were to be taken into cuſtody,

Addreſs the prince to charge himſelf with it: Decem. 25. And to call a Convention. Gazettes, No. 2414. Kennet. Burnet.

They iſſue out an order againſt Papiſts. Echard. III. p. 944.

The word Convention, to ſignify a parliament aſſembled without the cuſtomary formalities, was new in England, where it had been, as I think, but once uſed in that ſenſe, namely, after the reſtoration of king Charles II. This prince finding, upon his return into England, a parliament ſitting which had not been ſummoned by him, would not own it for a parliament, on account of the conſequences. But on the other hand, he would not deprive himſelf of the benefit of the reſolutions of this parliament, which had reſtored him to the throne of his anceſtors. So, to reconcile

A remark upon the word Convention.

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Interreg. 1688.

theſe two things together, he was willing to own it as a convention. Probably, the word was borrowed from what is practiſed in Scotland, where a difference is put between a convention of the ſtates, and a parliament. It was therefore this convention of the year 1660, that the lords had in view, when they addreſſed the prince of Orange to call one. But as this was a ſingle precedent, and as the convention of the year 1660, had been firſt called under the name of a parliament, the prince thought, that beſides the ſuffrages of the peers, it was proper to be authorized by others, which might paſs for thoſe of the people. He therefore publiſhed an order,

The prince aſſembles ſeveral old members of parliament, Kennet. p. 558. Echard. III. p. 945. 946.

"Deſiring all ſuch perſons as had ſerved in any of the parliaments during the reign of the late king Charles II, to meet him at St. James's, upon the 26th of December, by ten of the clock in the morning. He deſired likewiſe, that the lord-mayor and court of aldermen of the city of London, and fifty of the common-council, would be there at the ſame time."

and asks their advice. Ibid. Gazettes. No. 2414. State Tracts T. I. p. 100.

In purſuance of this order, about a hundred and ſixty members, the aldermen of London (the mayor being indiſpoſed) and the deputies of the common-council, met at St. James's on the day appointed, where the prince briefly told them, "That he had deſired them to meet him there, "to adviſe the beſt manner how to purſue the ends of his "declaration, in calling a free parliament, for the preſervation of the Proteſtant religion, and the reſtoring the "rights and liberties of the kingdom." They all repaired immediately to the commons houſe in Weſtminſter, where the firſt queſtion they debated, was "What authority they "had to aſſemble?" Upon which it was ſoon agreed, that the requeſt of the prince was a ſufficient warrant. The next queſtion was, "How the prince could take upon him the ad"miniſtration of affairs, without a diſtinguiſhing name or "title?" But as this queſtion tended to prolong the deliberations, and defeat the ends propoſed by the meeting, it was thought proper to wave ſuch queſtions in their future debates. An aſſociation was likewiſe propoſed to be ſigned, but every perſon was left at liberty to ſubſcribe it or not.

Which was to take upon him the government, and to call a convention. Dec. 28. Gazettes. No. 2414.

After theſe previous debates, they reſolved to addreſs the prince, to take upon him the adminiſtration of public affairs, until the meeting of the convention, the 22d day of January next. The anſwer returned by the prince to this addreſs, and to that of the lords, was the ſame, that he would endeavour, as far as he was able, to ſecure the peace of the nation, according to their deſire.

During

During the king's ſtay at Rocheſter, Barillon, the French ambaſſador, had been very active to promote diviſions amongſt the peers, with a view to ſerve the king. Of this the prince was not ignorant; but as he was not yet inveſted with any authority, he was obliged to ſuffer it, though he knew he had not a greater enemy in England than that ambaſſador. But the moment he was intruſted with the government, he ſent an expreſs order to him to leave the kingdom within four and twenty hours. At the ſame time, he ſent St. Leger, a French refugee, to attend him to the ſhip. That gentleman could not forbear ſaying to the ambaſſador, as they were on the road, "Sir, had any one told you a "year ago, that a refugee ſhould be commiſſioned to ſee you "out of England, would you have believed it?" The ambaſſador anſwered, "Sir, croſs over with me to Calais, and "I will give you an anſwer." Interreg. 1688. Kennet. p. 539. Echard. III. p. 947. The French ambaſſador ordered to leave England.

On Sunday the 30th of December, the prince of Orange went to the royal chapel at St. James's, where he was preſent at divine ſervice (g), and a ſermon preached by Dr. Lloyd, biſhop of St. Aſaph; after which he received the ſacrament from the hands of the biſhop of London. This public profeſſion of the eſtabliſhed religion, greatly contributed to diſpel the fears of thoſe, who dreaded his too zealous adherence to the Preſbyterian religion, in which he had been educated. But it muſt be obſerved, that tho' the difference between the Epiſcopal and Preſbyterian churches has occaſioned much noiſe, diſturbance, and enmity in England, yet, both then and now, very few foreign Proteſtants ſcruple to communicate with the church of England. The prince communicates in the church of England. Ibid. Kennet. p. 540.

The next day, the prince publiſhed a proclamation, authorizing all public officers, not being Papiſts, to act in their reſpective offices, till the meeting of the intended convention, or other order to the contrary. Gazettes, No. 2415.

The ſame day he paid a viſit to the queen-dowager, who indirectly aſked him to releaſe her chamberlaid the earl of Feverſham, which the prince readily granted. The prince viſits the queen-dowager. Kennet.

Though in the hiſtory of the two laſt reigns I have ſaid but little of the affairs of Scotland, the reader however may have remarked, that this kingdom was entirely ſubjected to an arbitrary power, and withal, to Epiſcopacy, contrary to the general bent of the people. When the prince of Orange's declaration for Scotland, (the ſame in ſubſtance with that Affairs of Scotland. Burnet. p. 804. Echard. III. p. 947.

(g) Dr. Burnet read prayers. Kennet, p. 540.

for

Interreg. 1688. for England) appeared there, the Preſbyterians began to take courage, thoſe at the helm not daring to uſe any violence for fear of a general inſurrection, which would have been extremely prejudicial to the king's affairs at that juncture. Things remained in this ſituation, till the king's party began to retire into England. For tho' the Scotch biſhops had publiſhed an abhorrence of the prince's expedition, it was by no means the ſentiments of the nation in general. Every one felt the weight of the yoke impoſed on them, and the Epiſcopalians themſelves had reaſon to fear, that under the pretence of humbling the Preſbyterians, the king intended to deſtroy the Proteſtant religion. So far their caſe was the ſame with that of the Engliſh. And therefore the duke of Queenſbury, and ſome other Scotch gentlemen were come to London, to deſire a free parliament. Hence may be known, what the Scots thought of their preſent ſlavery. The lord chancellor, upon the news of king James's withdrawing, immediately reſigned the great ſeal, and retired from Edinburgh. Upon which, the populace of that city inſulted and rifled, not only the Roman Catholics, but alſo thoſe who had appeared moſt devoted to the Epiſcopal party. So, the biſhops were forced to retire, to avoid the inſults of the Preſbyterians, who were now much ſuperior to their late perſecutors. On the other hand, ſeveral Scotch lords and gentlemen repaired to London, to obſerve the motions there, and to determine their conduct by that of the Engliſh.

Jan. 7. State Tracts T. I. p. 102. The prince of Orange, who could not viſit Scotland, aſſembled all the Scotch nobility and gentry then in London, who meeting at St. James's, to the number of thirty lords and fourſcore gentlemen, he aſked their advice, what was to be done for ſecuring the Proteſtant religion, and reſtoring their laws and liberties, according to his declaration? After this ſhort ſpeech, the lords and gentlemen repaired to the council-chamber at Whitehall, and chuſing duke Hamilton their preſident, conſulted together, what advice was moſt proper to be given to the prince. This affair was in effect ſettled the firſt day. But on the morrow, they were interrupted by a propoſal from the earl of Arran, that the king ſhould be deſired to return, and call a free parliament. The tendency of this propoſal was eaſily ſeen, and therefore it was unanimouſly rejected. At laſt, it was agreed to preſent an addreſs to the prince of Orange, to deſire him to take upon him the adminiſtration of all affairs, both civil and military; and

and to call a general meeting of the ſtates to be holden the 14th of the following March. This addreſs being preſented to the prince, he deſired time to conſider of it, and two days after returned much the ſame anſwer as he had to the Engliſh. Interreg. 1688.

The proſpect from Ireland was not ſo pleaſing. The earl of Tyrconnel, a zealous Papiſt, and entirely devoted to the king, was lord-lieutenant, and ſupported by an army, which he had taken care to compoſe of Popiſh officers and ſoldiers. There was room therefore to fear, that the earl would not ſubmit to the reſolutions taken in England, and he was not then to be forced to obedience. Mean while, the prince of Orange having received addreſſes not only from the Engliſh lords and commons concerning Ireland, but likewiſe from the Proteſtants of that kingdom, could not but endeavour to procure the happineſs of a nation which depended upon England. It was therefore thought proper to ſummon the earl of Tyrconnel by a letter, to ſubmit to the preſent adminiſtration in England. The delivery of this letter was committed to colonel Hamilton, who promiſed to ſecond it with his perſuaſions. But it was afterwards known, that he acted in concert with Tyrconnel directly to oppoſe it. Of Ireland. Echard. III. p. 948. Burnet, p. 805.

The prince, and the lords, as I have ſaid, had ordered the forces diſbanded by the earl of Feverſham to re-aſſemble. When this was done, the prince diſcharged the arrears of the Engliſh army, with two hundred thouſand pounds, advanced in four days by the city of London, ſixty thouſand of which was lent by Sir Samuel Daſhwood. After this, he ordered a reform of eight new raiſed regiments, beſides the troop of life-guards, commanded by the lord Dover, who were all Papiſts. Then, ſeveral colonels and other officers having reſigned their commiſſions on account of the new oath exacted of them, he filled their places with Proteſtants, and in a word took all poſſible care to put the army under ſuch a regulation, as might render it ſerviceable to the ſtate. Kennet, p. 540. Echard. III. p. 950. Burnet, p. 806.

The archbiſhop of Canterbury had hitherto declined waiting on the prince of Orange. But at laſt he ſent a compliment to the prince, and with ſeven or eight biſhops more ſigned the aſſociation, after ſome words were ſoftened in it, that gave them uneaſineſs. The archbiſhop of Canterbury ſigns the aſſociation.

About the ſame time, ninety Diſſenting miniſters attended the prince, and aſſured him of their fervent prayers for the preſervation of his perſon, and the ſucceſs of his endeavours for the defence and propagation of the Proteſtant intereſt. The prince returned a favourable anſwer, though expreſſed in general The Diſſenting miniſters wait on the prince. Echard, III. p. 951.

Interreg. 1688. general terms, insinuating, that it would not be his fault if they were not made easy.

Elections for the convention. Burnet. p. 809. Gazettes, No. 2416. Kennet.

In the mean time, the elections for the members of the convention proceeded with all imaginable freedom. The electors gave their votes according to their own inclinations, without sollicitations from the prince, or his friends. Moreover, the prince had ordered the soldiers to remove to a certain distance from the places of election, to take away all appearence of compulsion.

The prince sends for the princess. Echard. III. p. 954.

Mean while, the prince considering, that the convention was to settle the government, thought proper to send for his princess; since if, as it was probable, the convention should declare the throne vacant, no person had a juster pretension to it than she. Very likely also, he thought he had himself room to aspire to it, by his late great service to the English. But a severe frost retarded her departure from Holland longer than he expected.

1688-9. The convention meets. Id. p. 955. Kennet, p. 541.

The commons met the 22d of January in two houses, as a parliament. The peers chose George Savile, marquis of Hallifax for their speaker; and the commons, Mr. Henry Powle. In each house was read the following letter from the prince of Orange, on the occasion of their meeting:

" My lords and gentlemen,

The prince of Orange's letter to the convention.

" I HAVE endeavoured to the utmost of my power, " to perform what was desired from me, in order to the " public peace and safety; and I do not know that any " thing hath been omitted which might tend to the preser- " vation of them, since the administration of affairs was put " into my hands. It now lieth upon you to lay the foun- " dations of a firm security for your religion, your laws, and " your liberties. I do not doubt, but that by such a full " and free representative of the nation, as is now met, the " ends of my declaration will be attained: and since it hath " pleased God hitherto to bless my good intentions with so " great success, I trust in him, that he will compleat his " own work, by sending a spirit of peace and union to in- " fluence your counsels, that no interruption may be given " to a happy and lasting settlement.

" The dangerous condition of the Protestants in Ireland, " requiring a large and speedy succour, and the present state " of things abroad, oblige me to tell you, that next to the " danger of unseasonable divisions amongst ourselves, no- " thing can be so fatal as too great delay in your consulta- " tions. The States, by whom I have been enabled to

" rescue

" reſcue this nation, may ſuddenly feel the ill effects of it, Interreg.
" both by being too long deprived of the ſervice of their 1688-9.
" troops, which are now here, and of your early aſſiſtance
" againſt a powerful enemy, who hath declared a war againſt
" them. And as England is by treaty already engaged to
" help them upon ſuch exigencies; ſo I am confident, that
" their chearful concurrence to preſerve this kingdom with
" ſo much hazard to themſelves, will meet with all the re-
" turns of friendſhip and aſſiſtance, which may be expected
" from you, as Proteſtants and Engliſhmen, whenever their
" condition will require it.

" Given at St. James's the 22d day of January,
" 1688-9."

After the reading of this letter, the two houſes preſented an addreſs to the prince, in which they acknowledged him, under God, the deliverer of the nation: they approved likewiſe of all that he had done ſince he had been intruſted with the adminiſtration, which they prayed him to continue till farther application ſhould be made to him by them, which ſhould be done with all convenient ſpeed. They promiſed alſo to diſpatch the matters recommended to them by his letter. The prince in his anſwer accepted the offers made him by the two houſes, and ſtrongly preſſed them to a conſideration of the affairs of Europe.

The prince addreſſed by the two houſes. Kennet, p. 541. Echard. III. p. 956. State Tracts. T. I. p. 104.

The firſt thing done by the two houſes after their addreſs of thanks to the prince, was to appoint a day of public thankſgiving to God, for the happy deliverance of the nation. As, on theſe occaſions, prayers ſuited to the day are always compoſed by the biſhops, they had an order to inſert a particular prayer for the prince of Orange.

A thankſgiving appointed. Jan. 31. Ibid. Echard.

In the mean time, king James, perceiving the prejudice his flight would do him, endeavoured to prevent it, by a letter directed to the " lords, and others of his privy-council." He repeated the reaſons contained in the writing left on his table at his departure from Rocheſter, and declared his intention to return to England for the holding a free parliament. He reproached the prince of Orange with artifices to hinder his holding ſuch a parliament, and required their advice " What was fit to be done by him towards his re-
" turning." Tho' this letter was immediately printed and diſperſed, it was little regarded. Even the perſons to whom it was addreſſed, judged it not proper to return an anſwer, at a time the convention was ſitting. James therefore ſent a letter of the ſame tenor to both houſes of the convention, adding

A Letter from king James to his privy-council. Kennet. p. 543. Echard, III. p. 958.

and to the two houſes of convention.

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adding a promiſe, on the word of a king, of a pardon even to thoſe that betrayed him, (ſome few excepted) and a reſolution, by an act of oblivion, to cover all faults. But both houſes returning the letters unopened, the king's friends complained of it, as of a great hardſhip.

Rejected.

Kennet. p. 542. Echard. III. p. 959.

The houſe of commons deferred their ſitting till the 28th of January, to give time to the reſt of their members to come up to town. That day, Mr. Dolben, ſon to the late archbiſhop of York, made a long ſpeech to prove the vacancy of the throne, by the king's deſerting the kingdom. Upon this aroſe a debate, which held four or five hours, and ended with this memorable vote:

Votes of the commons. Debates about the abdication.

"That king James the Second, having endeavoured to "ſubvert the conſtitution of the kingdom, by breaking the "original contract between king and people; and by the ad- "vice of Jeſuits and other wicked perſons, having violated "the fundamental laws, and withdrawn himſelf out of the "kingdom, hath 'abdicated' the government, and that the "throne is thereby become vacant."

Another. Echard, III. p. 960.

The next day, the commons farther voted, "That it "hath been found by experience to be inconſiſtent with "this Proteſtant kingdom, to be governed by a Popiſh "prince."

Addreſs to the prince of Orange.

They preſented likewiſe an addreſs to the prince of Orange, for the ſtopping all ſhips that were going to France. Two days after, they voted, that the thanks of the Houſe ſhould be given to the clergy of the Church of England, who had refuſed to read in the churches the king's declaration for toleration; and alſo to the officers and ſoldiers, for having teſtified their ready adherence to the Proteſtant religion; and to all ſuch as had appeared in arms for the defence of the ſame. All theſe votes were ſent up to the lords for their concurrence.

Great debates in the houſe of lords. Kennet. p. 543. Echard, III. p. 960. Burnet. p. 809, 813.

But in the houſe of lords things paſſed not with that unanimity. There were ſeveral parties, who cauſed every queſtion to be nicely examined. It was on the 29th of January, that the lords began to conſider the vote of the commons, concerning the vacancy of the throne. The firſt motion was, "Not to agree with the commons that the throne was "vacant, but only to ſuppoſe it for the preſent, leaving it "to be further examined afterwards, in order to cut ſhort "ſeveral other queſtions, by determining this firſt, 'Whe- "ther the throne being vacant, it ought to be filled up by a "regent or a king?" Daniel Finch, earl of Nottingham, who was at the head of the party for a regent, made a long

ſpeech,

ſpeech, alledging ſeveral arguments for a regency, taken from the Engliſh and other hiſtories. He inſiſted particularly upon what had very lately paſſed in Portugal, where, Alphonſo VI being depoſed, his brother, don Pedro, had only the title of Regent of the kingdom conferred on him. But the marquis of Hallifax and the earl of Danby demonſtrated on the other ſide, the inſuperable difficulties attending the adminiſtration of the government under a regent. At laſt, after a very long debate, the queſtion being put to the vote, fifty one were for a king, and forty nine for a regency (a). Thirteen biſhops were among the laſt, and but two among the firſt, namely, Dr. Compton biſhop of London, and Sir Jonathan Trelawney biſhop of Briſtol. The archbiſhop of Canterbury was abſent.

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A regency is propoſed,

and rejected.

If the Principles advanced by the Church of England in the reign of Charles II, and the doctrine of paſſive-obedience and non-reſiſtance ſo ſtrenuouſly maintained, and publickly preached, be remembered, it will not be thought very ſtrange, that the biſhops ſhould refuſe to vote for depoſing king James, and ſetting another king on the throne. This was directly contrary to the maxims they had not long ſince approved, and from which they did not think proper to depart entirely. The truth is, by maintaining theſe extravagant maxims, without admitting any limitations, at a time when they thought only of oppoſing the principles of the republicans, they had thrown themſelves into a very dangerous ſtrait, of which they were not ſenſible, till they ſaw the Proteſtant religion expoſed to the danger attending theſe maxims. They perceived then, it was abſolutely neceſſary to limit the regal authority, and were themſelves the firſt to do it, by openly refuſing to read the declaration for liberty of conſcience. Herein they acted directly contrary to the principle of paſſive-obedience and non-reſiſtance, maintained before with ſuch ardour by the Church of England. This the king reproached them with, when he told them, He did not expect to meet with reſiſtance from the Church. So, after eſtabliſhing as an eſſential doctrine of the Church of England, that the royal power is by divine right, and that the king can never be diſobeyed without ſin, they ſhowed by their own

Remark on the Church of England.

(a) The chief of thoſe that voted for a regency, were, the dukes of Somerſet and Beaufort; the earls of Kent, Pembroke, Clarendon, Rochester, Craven, Weſtmoreland, Scarſdale, Cheſterfield, Litchfield, Yarmouth, and Lindſey; the lords Weymouth, Coventry, Brooke, Leigh, Ferrars, Chandois; Jermin, Arundel of Trerife, Dartmouth, Godolphin, Griffin, &c. Kennet, p. 544.

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practice, that it must be received with this restriction, "When the king enjoins things according to law. But in "case his commands are contrary to law, he not only may, "but even ought to be resisted." A doctrine which would never have been contested, had it been thus explained at first. When I say the bishops, I mean the Church of England in general.

It is therefore certain, that when the question was to be decided, Whether, on supposition of the vacancy of the throne, it should be filled with a king or a regent, the Church of England was satisfied that James II had violated the laws, and no longer deserved to be trusted with the government of the kingdom. This was the general opinion. The only point was to know, whether the title of king should be left him, and a regent appointed to govern in his room, or whether another king should be set on the throne. It is easy to see the little difference between a king actually deposed, whose throne is filled by another, and a fugitive king, from whom no more orders are to be received, and whose authority is exercised by a regent not of his own chusing. But, besides the particular view some lords might have, of rendering the restoration of king James less difficult, by leaving him the title of king, the bishops found a considerable advantage in a regency. For by that they did not swerve so far from the principle they had before preached, and caused to be preached, that the regal power is jure divino. Indeed, when religion was in extreme danger, they had not thought fit to insist upon this principle. They had only suffered and approved the prince of Orange's coming to the relief of their religion, but moreover, some had invited him into England. But the storm being over, the king a fugitive, the Catholic party suppressed, and all fear vanished, they believed they ought not entirely to depart from their principles. If, for their own safety, they were willing the kingdom should be governed, not by king James, but by a regent, they could not, on the other hand, resolve openly to recede from what they had maintained, that the regal power is jure divino, and the king's character indelible.

The question, whether there be an original contract. Kennet. p. 544. Echard. III. p. 961.

On the morrow, January 30, this question was put in the house of lords, "Whether or no there was an original "contract between the king and people?". This question was warmly debated, several maintaining, that such a contract was only a chimera. Others rejecting the general assertions urged by the first, and the instances brought from the

the practice of other countries, confined themselves to the particular constitution of the English government. They endeavoured to show, that it must have been by virtue of such a contract, that the parliament was possessed jointly with the king, of the legislative power; otherwise, the right of the parliament, in their opinion, could be founded only upon custom, which was not sufficient to balance the king's pretended divine right: whence it would follow, that the king, in virtue of his divine right, might abolish this custom, and render himself absolute. But that the prevention of such a misfortune was the occasion of their present meeting. The question being put to the vote, fifty three were for the original contract, and forty six only against it.

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Burnet, p. 331, 315.

It passes in the affirmative.

The next day, they took into consideration the word "abdicated," and entered into a grammatical dispute, to know whether the word could be understood only of a voluntary abdication, without any mixture of compulsion, and it was concluded, that the word "deserted" was more proper. They next examined the word "vacant," and put this question, "Whether king James, having broke that "original contract between him and his people, and de-"serted the government, the throne was thereby vacant?" The debates upon this question were longer, and more warm than any of the former. In short, the party that maintained, it was a law-maxim, That, "The king never dies," and consequently, that the throne can never be vacant, carried the negative of the question by eleven voices. But on the morrow, forty lords entered their protestations against the vote. As the lords vote was founded upon the crown's devolving, on the king's demise, immediately to the next heir, without any vacancy, some of the other party moved, that supposing king James to be dead in law, the prince and princess of Orange should be declared king and queen. But this was also carried in the negative by five voices.

Debate about the word "Abdicated". It is rejected.

Question about the vacancy.

Rejected.

Protestation.

Motion to set the prince and princess of Orange on the throne rejected.

If these several resolutions be considered, and compared together, the lords will doubtless seem to have rendered it impossible to settle the government any way. In the first place, the first vote by which the regency was rejected, was founded upon the supposition of the throne's being vacant, and yet by the last vote it was carried, that the throne was not vacant. Secondly, it appeared, that they were not for king James. It was agreed, he had broke the original contract, and deserted the government, and yet it was decided, that the throne was not vacant. Thirdly, in voting that the throne was not vacant, because the king never dies, and the

Echard. III. p. 962. Remarks on these votes.

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regal authority devolves, after the king's natural or civil death, to the next heir, they refuſed to acknowledge the princeſs of Orange for queen. There remained therefore but one expedient, namely, to recognize for king the prince of Wales, who was conveyed into France; a prince, that by moſt of the Engliſh, was believed ſuppoſititious, and beſides would, probably, be educated in the Romiſh religion. But the commons had voted, and the lords concurred afterwards to the vote, that it was inconſiſtent with a Proteſtant kingdom, to be governed by a Popiſh king. The ſeveral reſolutions of the lords upon the queſtions propoſed, ſeem therefore to tend ſolely to render the ſettling of the government impracticable. This, no doubt, was the aim of ſome among them, that the difficulties might not poſſibly be ſurmounted, but by recalling king James. Many were ſatisfied of this, and therefore a petition was drawn up to be preſented to the lords, deſiring, in plain terms, that the prince and princeſs of Orange might be ſettled on the throne. Care was taken to get this petition ſigned by all ſorts of people, that by the great number of ſubſcribers it might paſs for the ſenſe of the nation. But the prince of Orange not liking this way of proceeding, ſent the lord-mayor orders, to put a ſtop to this tumultuous project, which was accordingly done.

A petition to the lords drawn up in London. Echard, III. p. 962.

Suppreſſed by the prince of Orange.

The 2d of February, the lords ſent a meſſage, to acquaint the commons with two amendments they had made to their vote of the 28th of January. The firſt was, inſtead of the word "abdicated," they would have "deſerted" put in. The ſecond, that the words, "and that the throne is there-"by become vacant," ſhould be left out. The commons, not pleaſed with theſe two amendments, appointed a committee to draw up reaſons why they muſt inſiſt upon their vote, and deſired a conference with the lords upon that ſubject. This conference produced no effect, each houſe perſiſting in their opinion. Only the earl of Nottingham intimated from the lords, that they inſiſted upon the amendments, not to favour king James, but ſolely to maintain hereditary right, in the fear that the election of a king might deſtroy that right. But the commons perſiſting ſtill in their opinion, by a ſuperiority of two hundred and eighty two, againſt one hundred and fifty one, appointed twenty four of their moſt able members to manage on this extraordinary occaſion at a free conference, for which the lords named on their part, the earls of Nottingham, Clarendon, Rocheſter, Pembroke, with the biſhop of Ely, and ſome others.

The lords ſend down the vote with two amendments

Conference upon the occaſion. Feb. 4. Debates about the abdication. p. 4-9. Echard. Kennet.

As

As this conference between the two houſes is the moſt remarkable, ever known in England, as well for the importance of the thing itſelf, as for the ability of the managers, I ſhall inſert it at large, and take the liberty to add ſome remarks, for the illuſtration of the ſpeeches made on this occaſion. Interreg. 1688-9.

Mr. Hampden, who opened the conference, ſaid, My lords,—— "The word ABDICATED, the commons conceive, is of a larger ſignification than the word your lordſhips are pleaſed to uſe, DESERTED; but not too large to be applied to all the recitals in the beginning of the commons vote, to which they meant it ſhould be applied. Nor ought it to be reſtrained to a voluntary expreſs reſignation, only in word or writing; overt-acts there are, that will be ſignificant enough to amount to it. My lords, That the common law of England is not acquainted with the word, it is from the modeſty of our law, that it is not willing to ſuppoſe there ſhould be any unfortunate occaſion of making uſe of it.

"Your lordſhips next amendment is, that your lordſhips have left out the laſt words in the commons vote, 'And that the throne is thereby vacant.' My lords, the commons conceive it a true propoſition, and that the throne is vacant; and they think they make it appear, that this is no new phraſe; neither is it a phraſe that perhaps ſome of the old records may be ſtrangers to, or not well acquainted with: but they think it not chargeable with conſequences that your lordſhips have been pleaſed to draw from it, 'That it will make the crown of England become elective.' If the throne had been full, we know your lordſhips would have aſſigned that, as a reaſon of your diſagreement, by telling us who filled it; and it would be known by ſome public royal act, which might notify to the people, in whom the kingly government reſided; neither of which had been done, and yet your lordſhips will not allow the throne to be vacant."——

Mr. Sommers (b) ſaid,—— "If it be an objection that the word 'abdicated' hath not a known ſenſe in the common law of England, there is the ſame objection againſt the word 'deſerted:' So that your lordſhips firſt reaſon hath the ſame force againſt your own amendment, as it hath againſt the term uſed by the commons. The words

(b) A famous lawyer, who was afterwards lord chancellor in the reign of king William III. Rapin.

"are

Interreg. 1688-9. " are both Latin words, and uſed in the beſt authors, and " both of a known ſignification; their meaning is very well " underſtood; though it be true, their meaning be not the " ſame: the word 'abdicate' doth naturally and properly " ſignify, 'entirely to renounce, throw off, diſown, relin- " quiſh any thing or perſon, ſo as to have no further to do " with it; and that whether it be done by expreſs words, or " in writing,' (which is the ſenſe your lordſhips put upon it, " and which is properly reſignation or ceſſion) or, 'by do- " ing ſuch acts as are inconſiſtent with the holding, or re- " taining of the thing;' which the commons take to be the " preſent caſe, and therefore made choice of the word 'ab- " dicate,' as that which they thought did, above all others, " moſt properly expreſs that meaning: and in this latter " ſenſe it is taken by others." [Here, to ſhow that it was the true ſignification of the word, he urged the authorities of Grotius, Calvin, Briſonius, Budæus, and Praleius.] " But " the word, 'deſerted,' hath not only a very doubtful ſigni- " fication, but in common acceptance, both of the civil and " common law, doth ſignify only a 'bare withdrawing, a " temporary quitting a thing, a neglect only which leaveth " the party at liberty of returning to it again.' [For this he quoted Spigelius and Bartolus, adding,] " Hence it appears, " that that is called "deſertion," which is temporary and re- " lievable: that is called 'dereliction,' where there is no " power or right to return. So in the civil law, the word " 'deſert' is uſed to ſignify, ſoldiers leaving their colours. " And in the canon law to 'deſert' a benefice, ſignifies no " more than to be non-reſident. In both caſes, the party hath " not only a right of returning, but is bound to return again: " which, my lords, as the commons do not take to be the " preſent caſe, ſo they cannot think that your lordſhips do; " becauſe it is expreſsly ſaid in one of your reaſons given in " defence of the laſt amendment, 'That your lordſhips " have been, and are willing, to ſecure the nation againſt " the return of king James;' which your lordſhips would " not, in juſtice, do, if you did look upon it as no more " than a negligent withdrawing, which leaveth a liberty to " the party to return. For which reaſons, my lords, the " commons cannot agree to the firſt amendment, to inſert " the word 'deſerted' inſtead of 'abdicated;' becauſe it " doth not in any ſort come up to their ſenſe of the thing; " ſo they do apprehend it doth not reach your lordſhips " meaning, as it is expreſſed in your reaſons; whereas they " look upon the word 'abdicated,' to expreſs properly what

" is

" is to be inferred from that part of the vote, to which your lordſhips have agreed, ' That king James the Second, by going about to ſubvert the conſtitution, and by breaking the original contract between king and people, and by violating the fundamental laws, and by withdrawing himſelf out of the kingdom,' hath thereby renounced to be a king, according to the conſtitution, by avowing to govern by a deſpotic power, unknown to the conſtitution, and inconſiſtent with it; he hath renounced to be king according to the law, ſuch a king as he ſwore to be at the coronation, ſuch a king to whom the allegiance of an Engliſh ſubject is due; and hath ſet up another kind of dominion, which is to all intents an ' abdication,' or abandoning of his legal title, as fully as if it had been done by expreſs words (1)." Interreg. 1688-9.

REMARK (1). It is eaſy to perceive, that theſe two ſpeeches of Mr. Hampden and Mr. Sommers refer to what was objected by the lords in a former conference againſt the word " abdicated," and the " vacancy of the throne." I thought proper to omit that firſt conference, becauſe moſt of the things therein alledged, are repeated or this. However, it may be ſeen here by the commons anſwers, what the lords objections were.

Mr. ſerjeant Holt added,——" For that part of your lordſhips objection, ' That it is not a word known to the common law of England,' that cannot prevail; for your lordſhips very well know, we have very few words in our tongue, that are of equal antiquity with the common law; your lordſhips know the language of England is altered greatly in the ſeveral ſucceſſions of time, and the intermixture of other nations; and if we ſhould be obliged to make uſe only of words then known and in uſe, what we ſhould deliver in ſuch a dialect, would be very difficult to be underſtood.

" Your lordſhips ſecond reaſon for your firſt amendment, in changing the word ' abdicated' for the word ' deſerted,' is, ' Becauſe in the common acceptation of the civil law, ' abdication' is a voluntary expreſs act of renunciation.' That is the general acceptation of the word, and I think the commons do ſo uſe the word in this caſe, becauſe it hath that ſignification: But I do not know whether your lordſhips mean a voluntary expreſs act or formal deed of renunciation: If you do ſo, I confeſs I know of none in this caſe: But my lords, both in the common law of England, and in the civil law, and in common underſtanding, there are expreſs acts of renunciation that are not

" by

Interreg. 1688-9.

" by deed; for if your lordſhips pleaſe to obſerve, the government and magiſtracy is under a truſt, and any acting contrary to that truſt, is a renouncing of the truſt, though it be not a renouncing by formal deed: for it is a plain declaration by act and deed, though not in writing, that he who hath the truſt, acting contrary, is a diſclaimer of the truſt; eſpecially, my lords, if the actings be ſuch as are inconſiſtent with, and ſubverſive of this truſt: for how can a man in reaſon or ſenſe, expreſs a greater renunciation of a truſt, than by the conſtant declarations of his actions to be quite contrary to that truſt?"

Then the earl of Nottingham ſpoke on the ſide of the lords, and ſaid,——" The main reaſon of the change of the word 'deſerted,' is upon the account of the conſequence drawn in the concluſion of your vote, 'That the throne is thereby vacant:' that is, what the commons mean by that expreſſion, whether you mean it is ſo vacant as to null the ſucceſſion in the hereditary line, and ſo all the heirs to be cut off, which we ſay will make the crown elective? And it may be fit for us to ſettle that matter firſt, and when we know what the conſequence of the throne being vacant means in the vote as you underſtand it, I believe we ſhould much better be able to ſettle the difference about the two words (2)."

REM. (2.) It does not appear that the commons had any thoughts of making the crown elective. This was a conſequence aſcribed to them by the lords, to have an occaſion to contradict the vacancy of the throne.

To this it was replied by ſerjeant Maynard, " My lords, when there is a preſent defect of one to exerciſe the adminiſtration of the government, I do conceive, the declaring a vacancy, and proviſion of a ſupply for it, can never make the crown elective. The commons apprehend there is ſuch a defect now; and by conſequence a preſent neceſſity for the ſupply of the government, and that will be next for your lordſhips conſideration, and theirs afterwards. If the attempting the utter deſtruction of the ſubject, and ſubverſion of the conſtitution, ben ot as much an 'abdication' as the attempting of a father to cut his ſon's throat, I know not what is. My lords, the conſtitution, notwithſtanding the vacancy, is the ſame; the laws that are the foundations and rules of that conſtitution are the ſame; but if there be in any particular inſtance, a breach of that conſtitution, that will be an 'abdication,' and that 'abdication' will infer a vacancy. It is not that the commons do ſay, 'The

" crown

" crown of England is always and perpetually elective;' but Interreg.
" it is more neceſſary that there be a ſupply, when there is a 1688-9.
" defect, and the doing of that would be no alteration of the
" monarchy from a ſucceſſive one to an elective."

Then the biſhop of Ely on the ſide of the lords ſaid, " Gentlemen, ——That 'abdicated' may be tacitly by " ſome overt-acts, Mr. Sommers very truly did alledge out " of Grotius: but I deſire to know whether Grotius, that " great author, in treating on this ſubject, doth not inter- " poſe this caution, 'If there be a yielding to the times: if " there be a going away, with a purpoſe of ſeeking to reco- " ver what is for the preſent left or forſaken:' in plain En- " gliſh, 'if there were any thing of force or juſt fear in the " caſe, that doth void the notion of 'abdication."

Mr. ſerjeant Maynard replied, " But, my lords, that is " not any part of the caſe declared by the commons in this " vote; when the whole kingdom and the Proteſtant religion, " our laws, and liberties have been in danger of being ſub- " verted, an enquiry muſt be made into the authors and in- " ſtruments of this attempt, and if he who had the admini- " ſtration intruſted to him, be found the author and actor in " it, what can that be but a renunciation of his truſt, and " conſequently his place thereby vacant? 'Abdication,' " (under favour) is an Engliſh word; and your lordſhips " have told us, the true ſignification of it is a renunciation. " We have indeed, for your lordſhips ſatisfaction, ſhewn its " meaning in foreign authors; it is more than a 'deſerting' " the government, or leaving it with a purpoſe of return- " ing."

The biſhop of Ely replied, " The objection of the lords " againſt the word 'abdicated,' is, 'That it is of too large " a ſignification for the caſe in hand.' It ſeems to be ac- " knowledged, that it reaches a great way; and therefore " the lords would have a word made uſe of, which ſignifies " only, 'the ceaſure of the exerciſe of a right (3.)".

REM. (3.) Hitherto the lords had not clearly diſcovered why they rejected the word "abdicated." It appears here, by what the biſhop of Ely ſays, that it was becauſe this word expreſſed the commons meaning too well, and therefore the lords would have another word in its ſtead, from which the vacancy of the throne could not be inferred.

The biſhop added, ——" If there be ſuch a defect as " hath been ſpoken of, it muſt be ſupplied; there is no que- " ſtion of that. And I think we have by another vote, de- " clared, 'That it is inconſiſtent with our laws, liberties,

" and

Interreg. 1688-9. " and religion, to have a Papiſt to rule over this kingdom :" " Which I take to be only as to the actual exerciſe and " adminiſtration of the government. It is Grotius his di- " ſtinction between a right, and the exerciſe of that right; " and as there is a natural incapacity for the exerciſe, as " ſickneſs, lunacy, infancy, doating old age, or an incura- " ble diſeaſe, rendering the party unfit for human ſociety, as " leproſy, or the like; ſo, I take it, there is a moral inca- " pacity; and that I conceive to be a full irremoveable per- " ſuaſion in a falſe religion, contrary to the doctrine of Chri- " ſtianity. Then there muſt be a proviſion undoubtedly " made for ſupplying this defect in the exerciſe, and an in- " termediate government taken care for; becauſe become " neceſſary for the ſupport of the government, if he to whom " the right of ſucceſſion doth belong, makes the exerciſe of " his government impracticable, and our obedience to him, " conſiſtently with the conſtitution of our religion, impoſſi- " ble; but that, I take it, doth not alter that right, nor is " an 'abdication' of the right (4.)"

REM. (4.) It muſt be remembered that the biſhop of Ely's poſition, which was afterwards maintained by others, was, that " there was a real diſtinction between a right, and " the exerciſe of that right." They readily agreed, that James II, ſhould be deprived of the exerciſe of the right to govern, but not of the right itſelf. Upon this diſtinction all the arguments of the lords are grounded.

" 'Abdication' (continued he) no doubt is, by adoption, " an Engliſh word, and well known to Engliſhmen conver- " ſant in books. Now it is objected, that it is not a word as " ancient as the common law of England. We find it in " Cicero,——where it ſometimes ſignifies, 'The renoun- " cing the actual exerciſe of a right,' and ſometimes, 'The " renouncing of the very right,' ſo that the ſignification is " doubtful; and ſuch words we hope the commons will not " think fit to uſe in a caſe of this nature and conſequence as " ours now in debate. And beſides, the lords apprehend, " that great inconveniences will follow upon the uſe of this " word, if it mean a 'renouncing abſolutely of that right.' " ——Then there is another diſtinction in thoſe authors that " write concerning this point, which are chiefly the 'civi- " lians.' There may be an 'abdication' that may 'forfeit " the power of a king only;' and there may be one, that may " 'forfeit both that and the crown too.' It is a diſtinction " indeed in other words, but to the ſame ſenſe. Thoſe " 'abdications' that are of power only, are incapacities;

" whether

" whether thoſe I call natural and involuntary, as defects of Interreg.
" ſenſe, age, or body, or the like; or moral or voluntary, 1688-9.
" as contrariety in religion; an inſtance whereof there was
" lately in Portugal, which was a 'forfeiture only of the
" power,' and, not of the 'name,' and 'honour of a king;'
" for though the adminiſtration was put into the younger
" brother's hand, the patents, and other public inſtruments,
" ran in the elder brother's name (5.)"

REM. (5.) If the biſhop of Ely had only a view to James II, the inſtance of the natural incapacities which made Alphonſo VI, king of Portugal, forfeit the exerciſe of the regal power, does not ſeem to be to his purpoſe; ſince theſe incapacities were not the point in queſtion, with regard to James II, which may make it ſuſpected, that he had an eye to the prince of Wales. For, as will hereafter appear, the lords, in maintaining, that the throne was not vacant, pretended that by the civil or natural death of the king, the next heir was immediately to fill the throne, and this heir, according to ſome, was the prince of Wales. But as he was a minor, an intermediate governor muſt be appointed to govern in his name.

" This is not, without all doubt, naturally an 'abdica-
" tion' in the full extent of the word; nor do I here (as I
" ſaid) conſider, whether that the king be gone out of the
" kingdom, or ſtay in it; but only, whether he be fit for
" the adminiſtration, which muſt be provided for, be he
" here, or gone away. But the higheſt inſtance of an 'ab-
" dication;' is, when a prince is not only unable to execute
" his power, but acts quite contrary to it; which will not be
" anſwered by ſo bare a word as 'endeavour.' I take theſe
" to be all the diſtinctions of 'abdications.' Now, if this
" laſt inſtance of an 'abdication of both power and right,'
" take place in a ſucceeding monarchy, the conſequence will
" be, 'That there is forfeiture of the whole right; and then
" that hereditary ſucceſſion is cut off; which, I believe, is
" not intended by the commons. But here is one thing that
" is mentioned in this vote, which I would have well conſi-
" dered, for the preſervation of the ſucceſſion, and that is the
" original compact: we muſt think, ſure, that meant of the
" compact, that was made at the firſt time, when the govern-
" ment was firſt inſtituted, and the conditions, that each part of
" the government ſhould obſerve on their part, of which this
" was the moſt fundamental, 'That king, lords, and commons,
" in parliament aſſembled, ſhould have the power of making
" new laws, and altering of old ones:' and that being one
" law which ſettles the ſucceſſion, it is as much a part of the

" original

Interreg. 1688-9. "original compact as any: then if such a case happens, as an 'abdication' in a successive kingdom, without doubt, the compact being made to the king, his heirs, and successors, the disposition of the crown cannot fall to us, till all the heirs do 'abdicate' too. There are indeed many examples, and too many interruptions in the lineal succession of the crown of England: I think I can instance in seven since the conquest, wherein the right heir hath been put by: but that doth not follow, that every breach of the first original contract, gives us power to dispose of the lineal succession; especially, I think, since the statutes of queen Elizabeth, and king James the First, that have established the oath of allegiance to the king, his heirs and successors; the law is stronger against such a disposition: I grant, that from king William the First, to Henry VIII, there has been seven interruptions of the legal line of hereditary succession; but, I say, those statutes are made since that time, and the making of new laws, being as much a part of the original compact, as the observing old ones, or any thing else, we are obliged to pursue those laws, till altered by the legislative power, which, singly or jointly, without the royal assent, I suppose, we do not pretend to. (6.)"

REM. (6.) By this reasoning the lords and commons being agreed, that a Catholic king could not exercise the right of government, and James II, being a Catholic; and as he might possibly have an infinite series of successors from father to son, all Catholics, it would follow, that England might be always governed by regents.

"These laws being made since the last interruption, we are not to go by any precedent that was made before the making those laws. So that, all that I conceive ought to be meant by our vote, is, 'But the setting aside the person that broke the contract: and, in a successive kingdom, an 'abdication' can only be a forfeiture, as to the person himself.' I hope, and am persuaded, that both lords and commons do agree in this, 'Not to break the line of succession, so as to make the crown elective.' And if that be declared, that this 'abdication' of king James the Second, reacheth no farther than himself; and that it is to continue in the right line of succession, that, I hope, will make all of one mind in this important affair. (7.)

REM. (7.) For the better understanding the bishop of Ely's speech, as well as some others that follow, it must be observed, that among the lords who had voted for the vacancy of the throne, by a majority of eleven voices, there were

were two ſorts of men. The one, without any deſire to favour king James, or the prince of Wales, had no other view than to oppoſe the republican party, who, under colour of gratitude to the prince of Orange, were labouring with all their power to have him elected king, reckoning it would be a large ſtep towards advancing the authority of the people, and rendering the crown elective. Some of the lords voted againſt the vacancy of the throne, chiefly in oppoſition to this party. But there were others who carried their views farther, and by rendering the ſettling of the government impracticable, laboured indirectly, either to cauſe king James to be recalled, or the prince of Wales to be acknowledged for king, knowing it would be impoſſible to prove him ſuppoſititious in a legal manner. But as theſe concealed themſelves among the others, and pretended only to defend hereditary right, it is hard to know by the ſpeeches, who deſigned only to maintain hereditary right, and who had farther views. This the reader is to remember, that he may not imagine, all the lords who voted againſt the vacancy of the throne, were for king James. Interreg. 1689.

Then the earl of Clarendon ſpoke on the lords ſide, and ſaid,—"This breaking the original contract is a language "that hath not been long uſed in this place; nor known in "any of our law-books or public records, it is ſprung up, "but as taken from ſome late authors, and thoſe none of the "beſt received. It is not denied, 'That the king is bound "by law, and bound to perform the laws made, and to be "made.' But I would take notice, that his obligation "thereunto, doth not proceed from his coronation-oath; for "our law ſaith, 'He is as much king before he is crowned, "as he is afterwards; and there is a natural allegiance due "to him from the ſubjects immediately upon the deſcent of "the crown upon him.' I was in great hopes, that you "would have offered ſomething in anſwer to one of my lord "of Ely's reaſons againſt that part of the vote, which de-"clares, 'The throne to be vacant,' viz. 'That no act of "the king's alone can bar, or deſtroy, the right of his heir "to the crown, which is hereditary, and not elective.'" (8.)

Rem. (8.) The earl of Clarendon begins with repreſenting the original contract between king and people, as an imaginary thing. And yet he owns "the king is bounded by "law, (though he cites none) and bound to perform, &c." But that this obligation proceeds not from this coronation-oath. What is it then that binds him?

Interreg. 1689. "And then, if this matter goes no farther than king James the Second, in his own perſon; How comes the vacancy and the Supply to be devolved upon the people? for if he only be ſet aſide, then it is apparent, where the crown is to go, to the perſon that hath the next right of ſucceſſion, and conſequently there is no vacancy." (9.)

REM. (9.) The lords always ſpoke of the next heir, but without naming the prince of Wales. The reaſon is, that by raiſing, as they thought, invincible obſtacles to the election of a new king, they deſigned by degrees to lead the commons to propoſe the examination of the prince of Wales's birth. But the managers for the commons carefully avoided that ſnare, and therefore the prince of Wales was not ſo much as once mentioned by name in the conference.

The earl of Nottingham added,——"The lords having declared that they are willing, 'to ſecure the nation againſt the return of king James into this kingdom; and will therefore concur with the commons in any act that ſhall be thought neceſſary to prevent ſuch his return, it ſhould ſeem we were agreed in that matter; and if that were the point, we ſhould find words proper ſoon enough to expreſs our meaning by. But I find neither of the words, 'abdicated' or 'deſerted,' will, on the one ſide or on the other, be allowed to ſignify this meaning. Therefore we ſhould come preſently to think of ſome other that would. But the reaſons why my lords did chiefly inſiſt upon the alteration of the word 'abdicated,' was, 'Becauſe they did apprehend, that it being a word not known to our laws, there might be other inferences drawn from it than they do apprehend our laws will warrant, from the caſe, as it is ſtated in the fact of this vote; and, as they conceive, is done in the concluding of the throne's being vacant.' Therefore, I think it would ſhorten the preſent debate, if we did ſettle the point of the vacancy firſt. For if we were ſure, that the throne were, or were not vacant, we ſhould eaſily light upon what word were proper to be uſed in this caſe."

Sir George Treby ſpeaking on the ſide of the commons, ſaid,——"I think, my lord, the preſent debate is to begin, where the difference between the two houſes doth begin, and that is at the word 'abdicated.' 'Original contract,' is a phraſe and thing uſed by the learned Mr. Hooker, in his book of 'Eccleſiaſtical Polity.' But I have a greater authority than this, and that is your lordſhips own, who have agreed to all the vote, but this word

"'abdi-

" 'abdicated,' and the vacancy of the throne. But it is very Interreg.
" much beyond what the vote before us doth lead us unto, 1689.
" 'To talk of the right of thoſe in the ſucceſſion:' for that
" goes farther than the very laſt part of our vote, and it is
" ſtill to lead us yet farther, to ſay any thing about making
" the crown elective."——Then he endeavoured to prove that king James had actually "abdicated" the kingdom, alledging the authority of Grotius, who ſays, "That if there
" be any word or action that doth ſufficiently manifeſt the intention of the mind and will, to part with his office; that
" will amount to an abdication or renouncing." "Now
" (added he) I beg leave to put this caſe, That had king
" James the Second come here into the aſſembly of lords and
" commons, and expreſſed himſelf in writing, or words, to
" this purpoſe: 'I was born an heir to the crown of Eng-
" land, which is a government limited by laws, made in full
" parliament, by king, nobles, and commonalty; and, upon
" the death of my laſt predeceſſor, I am in poſſeſſion of the
" throne; and, now I find, I cannot make laws without the
" conſent of the lords and repreſentatives of the commons in
" parliament; I cannot ſuſpend laws that have been ſo made,
" without the conſent of my people; this indeed is the title
" of kingſhip I hold by original contract, and the fundamen-
" tal conſtitutions of the government; and my ſucceſſion to,
" and poſſeſſion of the crown, on theſe terms, is part of that
" contract: this part of the contract I am weary of, I do re-
" nounce it, I will not be obliged to obſerve it; nay, I am
" under an obligation not to comply with it; I will not exe-
" cute the laws that have been made; nor ſuffer others to be
" made, as my people ſhall deſire, for their ſecurity in reli-
" gion, liberty and property, which are the two main parts
" of the kingly office in this nation." I ſay, ſuppoſe he had
" ſo expreſs'd himſelf, doubtleſs, this had been a plain re-
" nouncing of the legal regular title which came to him by
" deſcent: If then he, by particular acts, ſuch as are enume-
" rated in the vote, has declared as much or more than theſe
" words can amount to, then he hath thereby declared his
" will to renounce the government.——And this doth
" amount to a manifeſt declaration of his will, no longer to
" retain the exerciſe of his kingly office according to law, he
" has ſufficiently declared his renouncing of the very office,
" and therefore I cannot depart from inſiſting upon the word
" 'abdicated,' which doth ſo well correſpond to the fact of
" the caſe, and ſo well expreſs the true meaning of the com-
" mons in their vote."

Interreg. 1689.

The earl of Nottingham ſaid,——" I will not under-
" take to diſpute, whether a king of England may, or may
" not, renounce his kingdom. For my own part, I think
" he can, and I may go ſo far in agreement with thoſe that
" have ſpoken to this point, 'To yield that he may do it by
" implicit acts, contrary to the kingly office.' For a king to
" ſay, he will not govern according to law; and for a king
" to act wholly contrary to law, and do that which would
" ſubvert the conſtitution, is (I think) the ſame thing. But
" then I muſt ſay alſo, that I think there is a difference be-
" tween ſaying ſo, and doing ſomething inconſiſtent with
" what the laws require; for every deviation from the laws is
" a kind of breach of the fundamental conſtitutions; as the
" laws are neceſſary, ſo far as to ſupport the foundation. But
" if every tranſgreſſion, or violation of the law, by the
" prince's connivance or command, were ſuch a breach of
" the fundamental laws, as would infer an 'abdication,'
" then were it in vain to call any of his miniſters or officers
" to account for any ſuch action. Then the action is the
" king's, and not theirs; and then adieu to the maxim of,
" 'A king's not doing wrong.' I take this matter to be ſo
" plain, as to the diſtinction that I have mentioned, that no-
" thing can be more; and it has been thought ſo eſſentially
" neceſſary to have it clear and manifeſt, that thoſe two great
" inſtances of Edward II, and Richard II, were expreſs ſo-
" lemn renunciations, and thoſe confirmed in parliament by
" the lords and commons, by the act of depoſing them.
" Therefore I cannot infer from the facts enumerated in the
" vote, that this ſhould be an 'abdication' for himſelf and
" his heirs."

Sir George Treby replied,——" When a king breaks the
" law in ſome few particular inſtances, it may be ſufficient to
" take an account of it from thoſe evil miniſters that were
" inſtrumental in it, why ſuch a thing was done, which was
" againſt laws? Why ſuch a law was not executed by them,
" whoſe duty it was to ſee it put in execution? You may, in
" ordinary caſes of breaking the law, have remedy in the or-
" dinary courts and courſe of juſtice. But ſure! he does not
" take this to be ſuch a caſe, or theſe to be ordinary violations
" of the law: And therefore, in the extraordinary caſes, the
" extraordinary remedy is to be recurred unto. And where
" ſhall any man come to have any redreſs in ſuch a caſe as
" this, when the malefactor comes to be party, unto whom
" all applications for relief and redreſs from injuries ſhould be
" made, and ſo he himſelf ſhall be a judge of his own breaches

" of

" of law? This moſt apparently was the caſe as to the Quo Warranto's, which was a plain deſign to ſubvert the conſtitution in the very foundation of the legiſlature. It is becauſe the king hath violated the conſtitution, by which the law ſtands, as the rule both of the kingly government, and the people's obedience, that we ſay, he hath 'abdicated' and 'renounced' the government; for all other particular breaches of the law, the ſubject may have remedy in the ordinary courts of juſtice, or the extraordinary court of parliamentary proceedings: but where ſuch an attempt as this is made on the eſſence of the conſtitution, it is not we that have brought ourſelves into this ſtate of nature, but thoſe who have reduced our legal well-eſtabliſhed frame of government into ſuch a ſtate of confuſion, as we are now ſeeking a redreſs unto." Interreg. 1689.

The lords objecting nothing farther againſt the uſe of the word "abdicated," the commons proceeded to the ſecond amendment; namely, the leaving out the words, "And that "the throne is thereby vacant." Mr. Sacheverell opened the debate, and ſaid,——"My lords, the commons, in uſing the words 'abdication' and 'vacancy,' had "no thoughts of making the kingdom elective, neither can "any ſuch thing be deduced from their words. (10.)".

REM. (10.) As the principal reaſon which induced the lords to oppoſe the commons vote, was, the conſequence drawn from thence, that the crown would thereby become elective, the commons were very careful to deny this conſequence, by ſaying, that not only they had no ſuch thought, but that it could not be inferred from their vote. This was a material point. For if the lords could have drawn from the commons a confeſſion, that the conſequence was juſt, they would have pretended, that by declaring the throne vacant, the conſtitution was ſubverted, and the crown made elective inſtead of hereditary. It ſeems, that the commons might have denied that the crown was originally hereditary, and maintained, it was ſo only by the ſtatutes made in the reigns of Elizabeth and James I. From whence they might have inferred, that the parliament which ſettled the crown upon the deſcendants of James I, in the direct, and afterwards in the collateral, line, had likewiſe power to alter the order of the ſettlement. But they avoided all diſcuſſions of this nature, being ſenſible, that the deſign of the lords was to multiply the ſubjects of diſpute, in order to increaſe the obſtacles of the projected eſtabliſhment.

Interreg. 1689. Mr. Sacheverell continued, "The commons reaſon for their diſagreeing to this amendment, was, becauſe they conceive (that as they may well infer) from ſo much of their own vote, as your lordſhips have agreed unto, 'That king James the Second hath abdicated the government; and that the throne is thereby vacant:' So, if they ſhould admit your lordſhips amendments, 'That he hath only deſerted the government;' yet, even thence would follow, 'It is vacant, as to king James the Second:' deſerting the government being, in true conſtruction, deſerting the throne. If king James had only given over the exerciſe of the government, [as their lordſhips pretended] he continues in the office, and is king ſtill; and then all the acts that we have done in this convention, are wholly (as we conceive) not juſtifiable, you are in no place or ſtation to relieve yourſelves, or the nation, in this exigence; unleſs you will think of ſetting up another regency by your own authority, without his conſent; which, I conceive, by the laws of England, you cannot do. What then follows upon all we have done? we have drawn the nation into a ſnare, by the ſteps we have taken; and leave all in ſuch an intricacy, as we have no power by law to deliver them out of; nor can we anſwer for what we have done, unleſs the king ſhould die, and that would leave the ſucceſſion uncertain."

Mr. Pollexfen purſuing the ſame argument, maintained, "That the lords ſaying in their vote, 'That the government was deſerted,' could not mean only the exerciſe of it, but a vacancy: The king's power, and the exerciſe of that power, was, in conſtruction of the law, one and the ſame, and ſo joined, that they could not be ſevered; and therefore, the ſuppoſed diſtinction was only notional, and altogether diſagreeing to the laws of England. That it was utterly unlawful, and as great a crime, to take away from the king the exerciſe of the government, as to take from him the government; it might do well for their lordſhips to conſider, whether they were not guilty of the ſame crime, which they would decline by their amendment. That the commons therefore could not admit, That there ſhould be a taking away the exerciſe of the government from the king, any more than the taking away the government, which, the commons ſaid, he had himſelf given away by 'abdication;' and that if king James was king ſtill, they could not by any means agree to the keeping him out of the kingdom. That to have a regency upon king

" king James without his own conſent, or till his return, Interreg.
" while the right was ſtill in him, would be a ſtrange and 1688-9.
" impracticable thing, and introductive of a common-wealth,
" inſtead of the ancient government by a limited monarchy;
" and that the concluſion, That ſuch a vacancy in the
" throne would make the crown elective, had no premiſſes
" either from their actions, their ſayings, their votes, or any
" thing elſe in that caſe." (11).

REM. (11.) The lords anſwered but weakly Mr. Pollexfen's reaſons. Several of thoſe who were againſt a vacancy verily believed, it was as unlawful to deprive king James of the exerciſe of the regal power, as of the power itſelf. But they durſt not directly undertake his defence, becauſe they knew his perſon was odious to the whole nation. Wherefore, they had deviſed this diſtinction between a right, and the exerciſe of that right, to leave room for his reſtoration. Mr. Pollexfen, as appears, maintains, that this diſtinction is imaginary. Let the reader examine, whether it was well proved, or only ſuppoſed: or whether, in ſuppoſition of its reality, it was applicable to the point in hand.

The earl of Clarendon interpoſed, and ſaid, " He would
" not declare his opinion about the vacancy as to king James,
" but deſired to know the meaning of the commons, how
" far the vacancy was to extend?"

This gave occaſion to Mr. Pollexfen to aſk the lords,
" Whether their lordſhips did agree, 'That the throne was
" vacant as to king James the Second?' That if ſo, or if
" they ſhould ſay it was full of any body elſe, and would
" name whom it was full of, it would then be time for the
" commons to give an anſwer."

To which the ſame earl replied, " That admitting, for
" diſcourſe ſake, that the throne was vacant as to king
" James the Second, it muſt then be ſupplied by thoſe that
" ſhould have come if he were dead; this government being,
" by all our laws, an hereditary monarchy, which is to go in
" ſucceſſion by inheritance in the royal line. That if the
" commons ſaid this government was vacant, that would be
" to put all thoſe by, that ſhould take it by ſucceſſion, which
" would make the kingdom elective for that time: that the
" lords ſaid, there was no vacancy; but ſince the commons
" ſaid, The throne was vacant, he might very well aſk,
" Who had the right of filling up that vacancy?"

Mr. Serjeant Maynard anſwered, " That was not the
" queſtion before them, though it would come properly in
" debate, when they were agreed upon the vacancy; that

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" he granted the Engliſh monarchy to be hereditary; but " though it ſhould in an ordinary way deſcend to the heir, " yet as their caſe was, they had a maxim in law as certain " as any other, which ſtopt the courſe; for, ſaid he, no " man can pretend to be king James's heir while he is living: " Nemo eſt hæres viventis." (12.)

REM. (12.) Mr. Serjeant Maynard ſeems to have juſtly remarked, that it was proper to agree upon the vacancy before they proceeded to the queſtion, " Who ſhould fill the " throne?" otherwiſe the conſequence would be examined before the premiſſes were ſettled, on which it was founded.

The earl of Pembroke replied, " That to that point the " lord Clarendon had given an anſwer, ' That it ſhould go " to the next heir in the line, that were to take it if the " king were dead.' And that as they ſhould be underſtood, " they ſhould make it a caſe of demiſe of the king's, as the " law calls it; that is, the king was dead in law, by his " abdication or deſertion. That to anſwer the queſtion of the " commons, ' Who the throne was full of?' it was ſuffi- " cient to know, that there were heirs, who were to take by " lineal ſucceſſion, though they did not, or could not, po- " ſitively name the particular perſon." (13.)

REM. (13.) If the lords had gained this point, that in caſe the throne were vacant with regard to the perſon of king James only, it ſhould be filled by the next heir, they would have thereby engaged the commons in a diſcuſſion of the prince of Wales's birth, wherein they would have had great advantages. But the commons deſired, above all things, to avoid this examination, into which the lords would have artfully drawn them.

The earl of Nottingham argued, " That if the lords " ſhould grant a vacancy as to the king himſelf, yet they " might juſtly do theſe acts mentioned in the commons rea- " ſons; for if barely the exerciſe of the government were " deſerted, there muſt be a ſupply of that exerciſe in ſome " perſon's taking the adminiſtration; and as none ſo fit, be- " cauſe of the prince's relation to the crown, and in his " preſence here, to addreſs unto about it, ſo none ſo proper " to make that addreſs as the lords; ſince in the abſence of " the king, they were the king and kingdom's great council, " and might have done by themſelves without the commons; " but being met in a full repreſentative body, they joined " with them. (14.)"

REM. (14.) This concerns only the vindication of the lord's conduct, which had been a little cenſured by Mr. Sacheverell

Sacheverell and Mr. Pollexfen. This vindication is wholly founded upon the diſtinction between a right, and the exerciſe of that right, which the earl of Nottingham ſuppoſes, without undertaking to prove it. Interreg. 1689.

" They were told, ' That the next heir in ſucceſſion could " not take it, becauſe no one could be heir to one alive;' " yet ſtill he thought the anſwer given by the lords a very " good one, ' That tho' the king was not dead naturally, " yet if (as they inferred) he was ſo civilly,' the next of " courſe ought to come in by hereditary ſucceſſion; for he " knew not any diſtinction between ſucceſſors in the caſe of " a natural death, and thoſe in caſe of a civil one: that he " would know, if the next heir ſhould be ſet aſide, and " another put in, Whether that king of England ſhould " be king to him and his heirs, and ſo being once upon the " throne, the ancient lineal ſucceſſion he altered? which " indeed would ſufficiently make the kingdom elective, by " taking it from the right heir? That if it was not ſo, then " he aſked, Whether ſuch a king as ſhould be put in, " ſhould be king only during king James's life? That, he " ſuppoſed, was not the meaning of the commons; but at " leaſt, he muſt be made a king during his own life; that " then if there was a diſtinction made as to the ſucceſſion, " between a natural and a civil death, if king James ſhould " die during the life of the new king, what would become " of the hereditary monarchy? Where muſt the ſucceſſor " come in, when the next heir to king James might not be " the preſent heir to the preſent ſucceſſor? That therefore " they muſt reduce all to this point, Whether this would " not make the kingdom elective? That if they made it " once elective, it was enough to make it ever ſo; for he " would be bold to ſay, They could not make a ſtronger tie " to obſerve that kind of ſucceſſion, than what lay upon " them to preſerve it in this caſe."

He added, " That if the throne was vacant, he would " know whether they were obliged to fill it? That if they " were, they muſt fill it either by the old laws, or by the " humour of thoſe who were to chuſe. That if they filled " it by the old laws, they declared it was an hereditary " kingdom, and they were to take the next ſucceſſor, to " whom the ſucceſſion would belong, and there would be " no need of ſtanding upon a vacancy: that if they were to " fill it according to the humour of the times, that diverted " the courſe of inheritance; and that he could not ſee by " what authority they could do that, or change the ancient

" con-

Interreg. 1689. "conſtitution, without committing the ſame fault they had "laid upon the king. But, ſaid he, if you pleaſe to ſup- "poſe the throne vacant as to king James, that is, 'That "he has no right,' then let us go on to the next ſtep." (15).

REM. (15.) The earl of Nottingham enumerates here all the inconveniencies, difficulties, and contrarieties to the law which could ariſe from the commons vote, and all ended in the danger of rendering the crown elective. But he took care not to mention the difficulties which flowed from the lords opinion. The conſequences of their opinion were, either that the kingdom ſhould be left in its preſent confuſion, or king James recalled, or the prince of Wales acknowledged for king. In all three, the danger was as great as in running the hazard of making the crown elective, which was the only danger the earl would have to be conſidered. As if the danger of leaving the kingdom in confuſion, of recalling the king, of owning a prince who was by moſt people thought ſuppoſititious, who was abſent and a minor, who would be bred in France in the Catholic religion, and from whom the ſame inconveniencies as had cauſed king James to be rejected, were to be feared when he ſhould be of age: as if, I ſay, all theſe dangers were to be reckoned as nothing in compariſon of the hazard of a breach of the lineal ſucceſſion. Beſides, it was only by way of conſequence that the lords pretended that the crown would become elective by this breach, tho' the commons affirmed they had no ſuch intention.

But Mr. Sacheverell replied, "That all their [illegible] "to maintain, That the throne was vacant."

And Mr. Sommers added, "That the lords alledged a "reaſon againſt the word 'abdicate,' That 'it was not a "word known to our laws,' but that the word 'vacant' "could not have that objection made to it, ſince it was in "our records, and even applied in a parallel caſe to this in "the firſt of Henry IV."

To which the earl of Rocheſter anſwered, "That as that "was the only precedent for the word 'vacant,' yet it was "attended with this very conſequence, that it would make "the monarchy elective; for it being there declared, That "the royal ſeat was vacant, immediately did follow an "election of Henry IV, who was not next in the royal "line."

The ſame argument was purſued by the earl of Clarendon, who ſaid, "That it was plain in the caſe of Richard II; "who had abſolutely reſigned, renounced, or abdicated in "writing"

"writing under his own hand; that after that, the parlia- Interreg.
"ment being ſitting, they did not think that ſufficient to go 1689.
"upon, becauſe that writing might be the effect of fear,
"and not voluntary: that thereupon they proceeded to a
"formal depoſition upon articles; and then came in the
"claim of Henry IV: that this was undoubtedly an election;
"though he was really the next heir, the earl of March not
"appearing, Henry claimed it as his undubitable right, being
"the next heir that appeared: that all the kings that were
"thus taken in or elected, (for the election was not of God's
"approbation) any one year ſcarce paſſed in any of the
"reigns, without being diſturbed in the poſſeſſion: that
"Henry IV did not care to owe the crown to the elec-
"tion, but claimed it as his right; that it was a plauſible
"pretence, and kept him and his ſon upon the throne; but
"in the time of his grandſon Henry VI, there was an utter
"overthrow of his title and poſſeſſion too: for in the firſt
"of Edward IV, all the proceedings againſt Richard II, as
"well as all the reſt of the acts during the uſurpation (as
"that record rightly calls it) were annulled, repealed, re-
"voked, and reverſed, and all imaginable words uſed to ſet
"thoſe proceedings aſide, as illegal, unjuſt, and unrighteous:
"that that act deduced the pedegree of the royal line from
"Henry III, to Richard II, who died without iſſue; and
"then Henry IV, ſays the act, uſurped; but that the earl
"of March, upon the death of Richard II, and conſequent-
"ly Edward IV, from him, was undoubted king by con-
"ſcience, by nature, by cuſtom and by law." (16.)

REM. (16.) All the arguments from the acts of parlia-
ment relating to the differences between the houſes of Lan-
caſter and York, muſt be very weak. Becauſe theſe par-
liaments did not all proceed upon the ſame principle, and
becauſe the one pulled down what the other had ſet up. This
evidently appears, in that both ſides in the preſent caſe, al-
ledged ſome of the acts of theſe parliaments, in ſupport of
their cauſe.

Hereupon Sir Robert Howard exerted himſelf, and replied,
"He would not ſay that the record of Henry IV, was not a
"precedent of election; for the parliament did not much
"mind his claim, knowing that he claimed by deſcent,
"where there was a perſon that had a title before him:
"thus the commons did not doubt but that power which
"brought in another line then, upon the vacancy of the
"throne by the leaſion of Richard II, was ſtill, according to
"the conſtitution, reſiding in the lords and commons, and

"was

Interreg. 1689. "was legally ſufficient to ſupply the preſent vacancy: that he would aſk the queſtion of any lord there, whether, had there been an heir to whom the crown had quietly deſcended in the line of ſucceſſion, and this heir certainly known, their lordſhips would have aſſembled without his calling, or would have either adminiſtered the government themſelves, or adviſed the prince of Orange to have taken it upon himſelf? that he doubted they had been all guilty of high-treaſon by the laws of England, if a known ſucceſſor of the throne were in poſſeſſion of the throne, as he muſt be if the throne were not vacant: that from hence their lordſhips ſaw, that the difficulty in this matter aroſe from this, That they would all agree the throne to be vacant, when they knew of none that poſſeſſed it; that ſome ſuch thing had been pretended to as an heir-male, of which there were different opinions, and in the mean time they were without a government. Muſt we ſtay, added he, till the truth of the matter be found out? What ſhall be done to preſerve our conſtitution, and in a little time it will, perhaps, through the diſtraction of our conſtitution, be utterly irremediable. He confeſſed it would be a difficult thing to go upon the examination who [illegible] their lordſhips would have explained [illegible] But, continued he, it not being clear, [illegible] remain thus? Uſe what words you will, [illegible] nate, or elect, it is the thing that we are to [illegible] it is high time it was done. There is no [illegible] to be drawn from this vote, as an intention [illegible] of altering the courſe of the government, [illegible] elective; the throne has all along deſcended [illegible] tary ſucceſſion, the main conſtitution has [illegible] The precedent of Henry IV, is not like [illegible] in other countries; and I am ſorry there ſhould be any occaſion for what is neceſſary to be done now; but when ſuch difficulties are upon the nation, that we cannot extricate ourſelves out of, as to the lineal ſucceſſor, your lordſhips, I hope, will give us leave to remember, 'Salus populi eſt ſuprema lex.' And if neither you nor we can do any thing in this caſe, we, who are met under the notion of a convention of the ſtates, have then met to no purpoſe; for after we have voted ourſelves to be without government (which looks as if ſomething were really intended as to a ſettlement) all preſently ſinks, and we are as much in the dark as we were before. Your lordſhips ſay, you will never make a precedent of election, or take upon

"you

"you to alter the ſucceſſion. With your lordſhips favour, Interreg.
"the ſettlement of the conſtitution is the main thing we are 1689.
"to look after. If you provide for the ſupply of the defect
"there, that point of the ſucceſſion will, without all queſtion,
"in the ſame method, and at the ſame time, be ſurely pro-
"vided for. But, my lords, have not you yourſelves li-
"mitted the very ſucceſſion, and cut off ſome that might
"have a lineal right? Have you not concurred with us in
"our vote, 'That it is inconſiſtent with our religion and
"laws to have a Papiſt to reign over us?' Muſt we not
"come then to an election, if the next heir be a Papiſt?
"Nay, ſuppoſe there was no Proteſtant heir at all to be
"found, would not your lordſhips then break the line? If
"your lordſhips then in ſuch a caſe muſt break through the
"ſucceſſion, I think the nation has reaſon to expect you ſhould
"take care to ſupply the preſent defect, where the ſucceſſion is
"uncertain; or what can we do further, but even part in
"confuſion, and ſo leave the nation to extricate itſelf as
"well as it can out of its diſtraction. But even at whoſe
"doors that will lie, I muſt leave to your lordſhips own
"thoughts."

It is ſaid this ſpeech, wherein good ſenſe, and a zeal for the nation equally ſhined, made a deep impreſſion upon ſome of the lords who aſſiſted at the conference, and upon all the reſt of the audience. However, as the earl of Clarendon, to prove the lineal ſucceſſion, had alledged what paſſed with regard to Edward IV, Sir George Treby undertook to explain that matter, and ſaid:

"That it was very well known, that Edward IV came
"in diſ-affirmance of the title of the houſe of Lancaſter:
"that as thoſe times went, whenever there was a turn in
"government, as there were ſeveral, there were new and
"contrary declarations about the title to the crown, made
"conſtantly in parliament; and what one parliament ſettled,
"another undid: but then, that this advantage the com-
"mons had on their ſide; that as they had this firſt prece-
"dent for them, ſo they had the laſt, viz. the parliament-
"roll of the firſt of Henry VII, where the record is ſet
"right again: that the act for depoſing Richard II; was in-
"deed repealed by the firſt of Edward IV, and thereupon it
"proceeds to attaint Henry VI; but then came in Henry
"VII, in the firſt year of whoſe reign there was an act
"made, that ſet aſide all the acts and attainders made
"againſt his line, and conſequently it repealed the firſt of
"Edward IV, which had repealed the firſt of Henry IV:

"that

Interreg. 1689. " that Henry VII, was of the line of Lancaſter, and though " he had the heireſs of the houſe of York in his boſom, yet " after he came to the throne, he would not endure to have " his crown reckoned matrimonial, or ſuffer the ſtile to go " in the name of Henry and Elizabeth, as he muſt have " done if he had ſtuck to the title by the right line of ſuc- " ceſſion. That therefore this act for reſtoring the record of " the firſt of Henry IV again, was as good an authority as " it was before, and ſomewhat better; for it had the laſt act " on its ſide, which was yet unrepealed."

Here the earl of Pembroke replied, " That Henry VII " had a good right and title by marriage to the crown; 'in " re uxoris;' but that his own title, as deſcended from Hen- " ry IV, was an uſurpation; and therefore he would not " ſuffer any one to preſcribe which was beſt, as long as it " was acknowledged he had one good."

Sir George Treby returned, " That if Henry VII's title " by deſcent was an uſurpation, it was hard to determine " what title he did govern by; ſince, though his wife was " the lineal heir, yet ſhe had no part, or ſo much as a " name in the adminiſtration. But, added he, if we ſhould " allow none for acts of parliament, but thoſe that were " made in the reigns of hereditary kings, and [illegible] " line, I doubt we ſhall want the greateſt part of [illegible] " that compoſe the volume of Statute-books, [illegible] " cords by which we enjoy a great part of our [illegible] " and poſſeſſions."

Sir Richard Temple alledged, " That if law [illegible] " the ſucceſſion be ſo obliging, what then ſhould [illegible] " to the ſucceſſion of queen Elizabeth, who had an act of " parliament both againſt her and her ſiſter."

The earl of Pembroke replied, " That to ſhew what " opinion ſhe herſelf, and the wiſe men of her time, had in " that point, there was an act made in her reign, and yet " in being, which declared it to be a præmunire, to affirm, " the parliament cannot ſettle the ſucceſſion of the crown, " or alter it. That entails of the crown had been in par- " liament, both ancient and modern; yet the authority of " another ſubſequent act had prevailed againſt ſuch an entail, " ſo that they ſhould be done in parliament."

Sir Richard returned, " He thought they were in as full " a capacity to take care of the government, as any of their " predeceſſors; and that if they did as their predeceſſors had " done before them, that ought not to be called a changing " of the monarchy from an hereditary to an elective."

Here

Here the earl of Nottingham once more interpoſed and Interreg.
" He could not imagine how a kingdom could be he- 1689.
" reditary, and that the king who had children in being at
" the time of his forſaking the government, could have the
" throne vacant, both of him and his children; that the
" courſe of inheritance, as to the crown of England, was
" by law a great deal better provided for, than that of any
" other inheritance, 'That no attainder of the heir of the
" crown could bar the ſucceſſion to the throne,' as it did
" the deſcent to any common perſon; and that the very de-
" ſcent by order of birth would take away any ſuch defect.
" That this was the opinion of the great lawyers of England,
" in the caſe of Henry VII; and therefore he could not ap-
" prehend, how any act of the father, could bar the right
" of the child; ſince even the act of the ſon, which might
" endanger an attainder in him, could not do it; ſo careful
" was the law of the royal line of the ſucceſſion, which was
" declared by ſeveral acts of parliament, and very fully and
" particularly by the twenty-fifth of Henry VIII.——That
" he deſired to know, whether the lords and commons had
" power by themſelves to make a binding act or law? and
" whether, according to the legal conſtitution, every king
" of England, by being ſeated on the throne, and poſſeſſed
" of the crown, was not thereby king to him and his
" heirs? and that without an act of parliament he knew
" not what determination they could make of his eſtate.
" That it was urged indeed, that the lords had in effect
" already agreed to the vacancy, by voting, 'That it was
" inconſiſtent with our religion and laws, to have a Papiſt
" prince to rule over us:' but that a vote of either houſe, or
" both houſes together, could not alter the law in that or
" any other point; yet becauſe he was deſirous that that
" vote ſhould have its effect, he deſired that every thing of
" that nature might be done in the ancient uſual method of
" parliament. That ſince they were happily delivery from
" the fears of Popery and arbitrary power, God forbid they
" ſhould aſſume any ſuch power to themſelves; for what
" advantage ſhould they then give to thoſe who would
" quarrel with their ſettlement for the illegality of it?
" Would not this, which they endeavour to cruſh, break
" forth into a viper? That in all the breaches that were
" made upon the line of ſucceſſion, ſuch was the force of
" the laws, that the uſurpers would not take the crown
" upon them, unleſs they had ſome ſpecious pretence of an
" hereditary title to it. That what he would have avoided

" by

Interreg. 1689. "by all means, was the miſchievous conſequences that he feared would enſue upon the vacancy of the throne; namely, the utter overthrow of the whole conſtitution; for if the lords and commons only remained as parts of the government, and if the head be taken away, and the throne vacant, by what laws or conſtitutions was it that they retained lords and commons? That they were knit together in their common head; and that if one part of the government was diſſolved, he ſaw not any reaſon but that all muſt be diſſolved. He confeſſed, that any government was better than none; but he earneſtly deſired they might enjoy their ancient conſtitution." (17.)

REM. (17.) The earl of Nottingham, in his ſpeech, reaſoned like Charles I, in his diſputes with the parliament. That is, he ſuppoſed the government in its natural ſtate, and on that ſuppoſition, his arguments were ſtrong. But it is hard to conceive a greater diſorder in the government than at the time of this conference. King James had reigned three years in an arbitrary manner. He had violated, not ſome particular laws of little moment, but fundamental laws, whereon the ſecurity of the national religion and liberties depended. After which, he had withdrawn himſelf out of the kingdom, without taking any order about the government. Moſt men thought his ſon ſuppoſititious, and he had ſent him into France. Could the government therefore be ſuppoſed in a natural ſtate? and if it was not, the reaſoning built upon ſuch a ſuppoſition ought to fall to the ground. However expreſs the laws may be, they always ſuppoſe ſome certain conſtitution of government. But if this conſtitution is broke, as may happen in all countries under the ſame laws, in order to remedy this evil, can the laws be taken for rule, which ſuppoſe the government in its uſual and natural ſtate, and which have not provided for extraordinary unforeſeen caſes?

What the earl of Nottingham would intimate, though he does not ſpeak plainly, is briefly this: The lords and commons are but two of the branches of the government, and can make no law without the third, that is, the king, who is their head. The king has abſented himſelf. He muſt therefore be recalled, or waited for till he returns, or elſe his next heir muſt be owned for king. Now this heir is the prince of Wales. This is evident from the care that was taken not to name him. Or if none of theſe methods be followed, the kingdom muſt be left in a ſtate of anarchy, or a

regent

regent appointed to govern in the king's name, during his ab- Interreg.
sence. 1689.

The whole debate was closed with two short speeches made by Mr. Paul Foley, and Mr. Eyre: the former said, "He hoped there was no danger of shaking our fundamentals in this case; that they were pursuing those methods "which agreed with our laws and constitution; for though "the monarchy of this nation be hereditary in the ordinary "course of succession, yet there might fall out a case "wherein that could not be complied with, and a plain "vacancy might ensue. For, said he, put the case the "whole legal line should fail, should we in that case "have no government at all? And who then should we "have but lords and commons? And I think that comes "nearest to the case in question, where the successor is not "known; for if he had been, we should have heard of him "before now. And what is the reason that it should then "in the former case devolve to the lords and commons, but "that there is no king? And they being the representative "body of the kingdom, are the only remaining apparent "parts of the government, and are only to supply the defect "by providing a successor?"

Mr. Eyre subjoined, "That they were led out of the way, "hunting after the consequences of a vote not yet agreed "unto; That they had made a right and apt conclusion "from the premisses, otherwise all the vote was but histo-"rical: we declare, adds he, 'That the late King James "has broke the original contract, has violated the funda-"mental laws, and has withdrawn himself out of the king-"dom;' that he has abdicated the government.' What oc-"casion was there for such a declaration as this, if nothing "were concluded from it? That were only to give the king-"dom a compendious history of those miseries they have too "well learned by feeling them. Therefore there was a ne-"cessity to make some conclusion; and none so natural as "this; that we are left without a king, that the throne is "thereby vacant; which it may be as to the possession, and "yet the right of succession no ways prejudiced. But, my "lords, we are come here by the commands of the house of "commons, to debate the reasons of their vote, and your "amendments, not to dispute what will be the consequences, "which is not at present our province." And here ended this famous conference.

During all these debates in the convention, the prince of Orange staid at St. James's, without taking the least pains to The prince of Orange leaves every one at liberty

Interreg. 1689. to gain any one perſon to his party. He was never leſs affable, being deſirous to ſhew by his behaviour, that his intention was not to deprive any man of the liberty to vote as he ſhould think fit. The two houſes were ſurprized that no body ſpoke to them in the prince's behalf. At laſt, finding that his ſilence might be ill conſtrued, as if he was unwilling to take upon him the burden of royalty, he ſent for the marquis of Hallifax, the earls of Danby, Shrewſbury, and ſome others, and told them

Journ. p. 820. He declares his mind to ſome lords.

Ibid. "He had been till then ſilent, becauſe he would not ſay "or do any thing that might ſeem in any ſort to take from "any perſon the full freedom of deliberating and voting in "matters of ſuch importance: he was reſolved neither to "court nor threaten any one. Some were for putting the "government into the hands of a regent: he would ſay no- "thing againſt it, if it was thought the beſt mean for ſet- "tling their affairs: only he thought it neceſſary to tell "them, that he would not be the regent: ſo, if they con- "tinued in that deſign, they muſt look out for ſome other "perſon to be put in that poſt: he himſelf ſaw what the "conſequences of it were like to prove: ſo he would not "accept of it. Others were for putting the princeſs ſingly "on the throne, and that he ſhould reign by her courteſy: "he ſaid, no man could eſteem a woman more than he did "the princeſs; but he was ſo made, that he could not think "of holding any thing by apron-ſtrings: nor could he think "it reaſonable to have any ſhare in the government, unleſs "it was put in his perſon, and that for term of life: if they "did think it fit to ſettle it otherwiſe, he would not [illegible] "them in it: but he would go back to Holland, and meddle "no more in their affairs: he aſſured them, that whatſoever "others might think of a crown, it was no ſuch thing in "his eyes, but that he could live very well, and be well "pleaſed without it. In the end he ſaid, he could not re- "ſolve to accept of a dignity, ſo as to hold it only the life "of another: yet he thought that the iſſue of the princeſs "Ann ſhould be preferred in the ſucceſſion, to any iſſue he "might have by any other wife than the princeſs."

The lords concur with the commons vote. Id. p. 821. Reaſons againſt examining the prince of Wales his Birth.

This declaration being immediately divulged by thoſe it was made to, did not a little contribute to bring the debates in the houſe of lords, to a ſpeedy determination. As for the commons, about two thirds were for the prince.

When the report of the conference between the two houſes was made to the lords, there was a very warm debate, whether they ſhould inſiſt upon the amendments. During the

the debate, it was moved, that the birth of the prince of Wales might be examined into. But this motion was at length rejected for several reasons: 1. The prince of Wales was now sent out of England to be bred up in France, an enemy both to the nation and the established religion. What therefore would such an examination signify? 2. It was impossible for the people of England to know, whether he was the same person that had been carried over or not. 3. In case he should die, another might be put in his room, in such manner, that the nation could not be sure concerning him. 4. The English nation ought not to send into another country for witnesses to prove that he was their prince, much less receive one upon the testimony of such as were not only aliens, but ought to be presumed enemies. 5. It was known, that all the persons who had been the confidents in that matter, were conveyed away; so it was impossible to come at them, by whose means only the truth of that birth could be discovered. It is pretended, there were some who thought it a deep piece of policy, to let the prince of Wales's title remain undecided, in order to deter the succeeding kings from imitating king James (a).

Interreg. 1689. Burnet. p. 816.

At length, after a long debate, the majority of the lords departed from their two amendments, and agreed with the vote of the commons, "That king James had abdicated the "government, and that the throne was thereby become va- "cant." Very likely, they who deserted the party of the earls of Nottingham, Clarendon, and Rochester, considered, that the suggested danger of the crown's becoming elective, was not to be compared to that which must necessarily happen if the kingdom was left in the present confusion, or king James recalled, or the prince of Wales acknowledged for king. It is said however, that the scale was turned to this side, by the arrival of some lords, who were not present in the house when the two amendments were voted: but they are not named. It is hardly probable that the pretended arrival of these lords should have occasioned the change in the house of peers. There must have been a dozen at least, and all of the same side, which is not very likely.

Kennet. p. 547. Echard. III. p. 977.

(a) Burnet says, that when this matter was debated in private, some observed, that as king James by going about to prove the truth of the birth, and doing it so defectively, had really made it more suspicious than it was before; so, if there was no clear and positive proof made of an imposture, the pretending to examine into it, and then the not being able to make it out beyond the possibility of contradiction, would really give more credit to the thing than it then had, and, instead of weakning it, would strengthen the pretension of his birth, p. 887.

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This great ſtep being made, the next thing to be debated was, who ſhould fill the vacant throne. The marquis of Hallifax moved, That the crown ſhould be given to the prince of Orange alone, and to the two princeſſes after his death. But he was not ſeconded (b). If Dr. Burnet biſhop of Saliſbury is to be credited, Bentinck (c), the prince's favourite and confident, ſtrenuouſly ſupported this propoſal. The debate upon this affair was very long. It was readily agreed, that the princeſs of Orange ſhould be placed on the throne; but the queſtion was, whether the prince ſhould be king of himſelf, or as huſband of the princeſs? Upon this, parties began to be formed in both houſes. Mean while, as the princeſs was detained in Holland by the froſt, and by contrary winds after the thaw, the earl of Danby ſent one over to the princeſs, with an account of the preſent ſtate of the debate, and to tell her, that if ſhe deſired it, he did not doubt but he ſhould be able to carry it, for ſetting her alone on the throne. The princeſs anſwered, She was the prince's wife, and would never be other than what ſhe ſhould be in conjunction with him, and under him. Adding, ſhe would take it very ill, if any, under a pretence of their care for her, would ſet up a divided intereſt between her and the prince. Not content with this, ſhe ſent the lord Danby's letter [and her anſwer] to the prince, and thereby broke all the meaſures of thoſe who wiſhed to create a miſunderſtanding or jealouſy between them. The earl of Danby received not the leaſt mark of diſpleaſure from the prince of Orange, who continued ſtill to employ and truſt him.

The lord Danby propoſes to the princeſs to be queen alone.

She refuſes. Burnet, p. 819.

At laſt, both houſes agreed, and voted ſeverally, that the prince and princeſs of Orange ſhould be king and queen of England, but that the ſole and full regal power ſhould be in the prince only, in the name of both. However, this was carried in the houſe of lords but by two or three voices only, and not without a proteſtation entered againſt it by the contrary party (d.)

It is concluded that the prince and princeſs ſhould be king and queen. Feb. 7. Kennet. p. 547. Burnet, p. 821.

(b) Burnet ſays, many of the republican party approved of this; for by it they gained another point: The people in this caſe would plainly elect a king without any regard to the order of ſucceſſion, p. 818.

(c) Afterwards earl of Portland.

(d) Burnet, p. 822, ſays, that things were ſo near an equality in the houſe of lords [one hundred and twenty being preſent,] that it was carried by a very ſmall majority of two or three, to agree with the commons in voting the 'abdication' and 'vacancy' of the throne, and that the vote by which the prince and princeſs were declared to be king and queen went very hard. Echard ſays by twenty voices; ſixty-five againſt forty-five.

The

The laſt debate in the convention, was, concerning the oath that ſhould be taken to the king and queen. To avoid all cavils upon the terms, [rightful and lawful king] in the uſual oath, it was thought proper to reduce the oath to the ancient ſimplicity of ſwearing, "to bear faith and true alle- "giance to the king and queen." Hence aroſe the famous diſtinction of a king "de facto," and a king "de jure," ſome pretending, that they took the oath to the king and queen, only as king and queen "de facto," whom they were bound to obey no longer than they continued in quiet poſſeſſion; but that it was lawful for them to aſſiſt king James, if he ſhould come to recover his crown, as being ſtill their king "de jure." This diſtinction proceeded chiefly from the clergy, who had ſo far entangled themſelves with thoſe ſtrange conceits of the divine right of monarchy, and had ſo engaged themſelves by publickly preaching paſſive-obedience and non-reſiſtance, as an eſſential doctrine of the Church of England, that they did not know how to diſengage themſelves from the ſnare they themſelves had laid, at a time when they little thought of being ever taken in it.

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The oath of allegiance is altered. Burnet, p. 821.

Whence the notion of a king de jure and a king de facto.

At length, on the 12th of February, the princeſs of Orange arrived at London, and ſeemed very well pleaſed with what had been reſolved, that the adminiſtration of the government ſhould be in the prince only, in the name of both. Thus the ſtrict union between the prince and princeſs broke the meaſures of ſuch as hoped to create a miſunderſtanding between them, in order to ſerve their old maſter.

Arrival of the princeſs of Orange. Kennet, p. 547. Burnet, p. 825. Echard.

The next day, the prince and princeſs of Orange being ſeated upon two large chairs, under a canopy of ſtate in the Banquetting-houſe, both houſes of the convention waited upon them in a full body, to offer them the crown. But before they proceeded to this ſolemn offer, they cauſed the clerk of the crown to read the following declaration of the lords ſpiritual and temporal, and commons aſſembled at Weſtminſter.

The convention make a ſolemn offer of the crown. Feb. 13. Kennet, p. 547. Echard. III. p. 978

"WHEREAS the late king James the Second, by "the aſſiſtance of divers evil counſellors, judges, "and miniſters employed by him, did endeavour to ſubvert "and extirpate the Proteſtant religion, and the laws and li- "berties of this kingdom; by aſſuming and exerciſing a "power of diſpenſing with, and ſuſpending of laws, and the "execution of laws, without conſent of parliament: By "committing and proſecuting divers worthy prelates, for "humbly petitioning to be excuſed from concurring to the

Interreg. 1689. "said assumed power; By issuing and causing to be executed, "a commission under the great seal, for erecting a court, call-"led, 'The court of commissioners for ecclesiastical causes': "By levying money for and to the use of the crown, by pre-"tence of prerogative, for other time, and in other manner, "than the same was granted by parliament: By raising and "keeping a standing army within this kingdom in time of "peace, without consent of parliament; and quartering sol-"diers contrary to law: By causing several good subjects, "being Protestants, to be disarmed, at the same time, when "Papists were both armed and employed contrary to law: "By violating the freedom of election of members to serve in "parliament: By prosecutions in the court of King's Bench "for matters and causes cognizable only in parliament; and "by divers other arbitrary and illegal courses. And whereas "of late years, partial, corrupt, and unqualified persons, "have been returned and served on juries in trials, and parti-"cularly divers jurors in trials for high treason, which were "not freeholders; and excessive bail hath been required of "persons committed in criminal cases, to elude the benefit of "the laws made for liberty of the subjects; and excessive fines "have been imposed; and illegal and cruel punishments in-"flicted; and several grants and promises made of fines and "forfeitures, before any conviction or judgment against the "persons upon whom the same were to be levied. All "which are utterly and directly contrary to the known laws "and statutes, and freedom of this realm.

"And whereas the said late king James the Second, "having 'abdicated' the government, and the throne being "thereby vacant, his highness the prince of Orange (whom "it hath pleased Almighty God to make the glorious instru-"ment of delivering this kingdom from Popery and arbitrary "power) did (by the advice of the lords spiritual and tem-"poral, and divers principal persons of the commons) cause "letters to be written to the lords spiritual and temporal, being "Protestants, and other letters to the several counties, cities, "universities, boroughs, and cinque-ports, for the chusing of "such persons to represent them, as were of right to be sent to "parliament, to meet and sit at Westminster, upon the 22d "day of January, in this year 1688, in order to such an "establishment, as that their religion, laws, and liberties, "might not again be in danger of being subverted. Upon "which letters, elections having been accordingly made; "and thereupon the lords spiritual and temporal, and com-"mons, pursuant to their respective letters and elections, be-

"ing

" ing now aſſembled in a full and free repreſentative of this Interreg.
" nation, taking into their moſt ſerious conſideration the beſt 1689.
" means for attaining the ends aforeſaid, do, in the firſt place
" (as their anceſtors in like caſe have uſually done) for the
" vindicating and aſſerting their ancient rights and liberties;
" declare,

" 1. That the pretended power of ſuſpending of laws, or
" execution of laws, by regal authority, without conſent of
" parliament, is illegal.

" 2. That the pretended power of diſpenſing with laws,
" or the execution of laws, by regal authority, as it hath
" been aſſumed and exerciſed of late, is illegal.

" 3. That the commiſſion for erecting the late court of
" commiſſioners for eccleſiaſtical cauſes, and all other com-
" miſſions and courts of the like nature, are illegal and per-
" nicious.

" 4. The levying of money for or to the uſe of the crown,
" by pretence of prerogative, without grant of parliament,
" for longer time, or in any other manner than the ſame is,
" or ſhall be granted, is illegal.

" 5. That it is the right of the ſubjects to petition the
" king, and all commitments and proſecutions for ſuch peti-
" tioning, are illegal.

" 6. That the raiſing or keeping a ſtanding army within
" the kingdom in time of peace, unleſs it be with conſent of
" parliament, is againſt law.

" 7. That the ſubjects, which are Proteſtants, may have
" arms for their defence, ſuitable to their condition, and as
" allowed by law.

" 8. That election of members of parliament ought to be
free.

" 9. That the freedom of ſpeech, and debates or proceed-
" ings in parliament, ought not to be impeached or que-
" ſtioned, in any court or place out of parliament.

" 10. That exceſſive bail ought not to be required, nor
" exceſſive fines impoſed, nor cruel and unuſual puniſhments
" inflicted.

" 11. That jurors ought to be duly empannelled and re-
" turned; and jurors, which paſs upon men in trials for high
" treaſon, ought to be freeholders.

" 12. That all grants and promiſes, of fines and forfeitures
" of particular perſons, before conviction, are illegal and
" void.

" 13. And that for redreſs of all grievances, and for the
" amending, ſtrengthening, and preſerving of the laws, par-

Interreg. 1689. " liaments ought to be held frequently. And they do claim, " demand, and inſiſt upon all and ſingular the premiſſes, as " their undoubted rights, and liberties; and that no declara- " tions, judgments, doings, or proceedings, to the prejudice " of the people in any of the ſaid premiſſes, ought in any " wiſe to be drawn hereafter into conſequence or example. " To which demand of their rights, they are particularly en- " couraged by the declaration of his highneſs the prince of " Orange, as being the only means for obtaining a full re- " dreſs and remedy therein.

" Having therefore an entire confidence, that his ſaid " highneſs the prince of Orange will perfect the deliverance " ſo far advanced by him, and will ſtill preſerve them from " the violation of their rights, which they have here aſſerted, " and from all other attempts upon their religion, rights, " and liberties; the ſaid lords ſpiritual and temporal, aſſem- " bled at Weſtminſter, do reſolve, That William and Mary, " prince and princeſs of Orange, be, and be declared KING " and QUEEN of England, France, and Ireland, and the " dominions thereunto belonging, to hold the crown and " royal dignity of the ſaid kingdoms and dominions, to them " the ſaid prince and princeſs during their lives, and the life " of the ſurvivor of them; and that the ſole and full exerciſe " of their regal power be only in, and executed by, the ſaid " prince of Orange, in the names of the ſaid prince and prin- " ceſs, during their joint lives; and after their deceaſe, the " ſaid crown and royal dignity of the ſaid kingdoms and do- " minions to be to the heirs of the body of the ſaid princeſs; " and for default of ſuch iſſue, to the princeſs Anne of Den- " mark, and the heirs of her body; and for default of ſuch " iſſue, to the heirs of the body of the ſaid prince of " Orange.

" And the ſaid lords ſpiritual and temporal, and com- " mons, do pray the ſaid prince and princeſs of Orange, to " accept the ſame accordingly. And that the oaths hereafter- " mentioned, be taken by all perſons of whom the oaths of " allegiance and ſupremacy might be required by law inſtead " of them; and that the ſaid oaths of allegiance and ſupre- " macy be abrogated:

" I, A. B. do ſincerely promiſe and ſwear, That I will be " faithful, and bear true allegiance to their majeſties, king " WILLIAM and queen MARY. So help me God. I, " A. B. do ſwear, That I do from my heart abhor, deteſt, " and abjure, as impious and heretical, this damnable doc- " trine and poſition, That princes excommunicated or de-

" prived

" prived by the pope, or any authority of the ſee of Rome, Interreg.
" may be depoſed or murdered by their ſubjects, or any other 1689.
" whatſoever.' And I do declare, That no foreign prince,
" perſon, prelate, ſtate, or potentate, hath, or ought to
" have, any juriſdiction, power, ſuperiority, pre-eminence
" or authority, eccleſiaſtical or ſpiritual, within this realm.
" So help me God."

After the reading of this declaration, the marquis of Halifax, ſpeaker of the houſe of lords, made a ſolemn tender of the crown to their highneſſes, in the name of both houſes, whereupon the prince of Orange returned the following anſwer:

" My lords and gentlemen, This is certainly the greateſt
" proof of the truſt you have in us, that can be given, which
" is the thing that makes us value it the more; and we
" thankfully accept what you have offered. And as I
" had no other intention in coming hither, than to preſerve
" your religion, laws, and liberties, ſo you may be ſure,
" that I ſhall endeavour to ſupport them, and ſhall be willing
" to concur in any thing that ſhall be for the good of the
" kingdom, and to do all that is in my power to advance the
" welfare and glory of the nation."

All this was followed with the acclamations of the people, which quickly flew over the whole city. The ſame day the prince and princeſs were proclaimed king and queen of England, France, and Ireland, by the names of WILLIAM and MARY, to the inexpreſſible joy of the people (e).

(e) I. K. James the Second's natural iſſue was as follows.

1. By Mrs. Arabella Churchill, ſiſter of John duke of Marlborough, afterwards married to colonel Godfrey, he had (1.) James Fitz-James, grandee of Spain, mareſchal of France, knight of the golden fleece, commonly called duke of Berwick. Outlawed in 1695. (2.) Henry Fitz-James, commonly called the grand prior, born 1673. Outlawed in 1695. Lieutenant-general and admiral of the French gallies. He died in France, December 7, 1702. (3.) Henrietta, born 1670, who married Henry lord Waldgrave, 1683. Father of James the preſent lord Waldgrave, born in 1684.

2. By Mrs. Catharine Sedley, daughter of Sir Charles Sedley, Bart. created baroneſs of Darlington, and counteſs of Dorcheſter, afterwards married to Sir David Collier, the late earl of Portmore, he had Catharine Darnley, preſent ducheſs dowager of Buckingham, born 1681. She married (1.) James Anneſley, earl of Angleſey, in October 1699. By whom ſhe had Catharine Anneſley, January 7, 1701, who married William Phips, Eſq; ſon of Sir Conſtantine Phips. (2.) John Sheffield, duke of Buckinghamſhire and Normanby, March 1, 1705. By whom ſhe had Edmund the preſent duke of Buckinghamſhire, born January 11, 1716.

II. By an indenture in the firſt of James II. a pound weight of gold, twenty-two carats fine, and two carats allay, was coined in 44l. 10s. by tale, namely, into ten ſhillings, twenty ſhillings, forty ſhillings, and five pounds, pieces; and a pound weight of ſilver of the old ſtandard into 62 ſhillings

Interreg. 1689. ſhillings by tale, namely, into crowns, half-crowns, ſhillings, ſix-pences, groats, two-pences, and pence; which ſtandard both for gold and ſilver hath continued ever ſince.

The gold coins have on one ſide the king's head laureat, IACOBVS II. DEI. GRATIA. Reverſe MAG. BR. FRA. ET. HIB. REX. the arms ſingle in ſeparate ſhields crowned, with the ſcepters, but nothing in the center. Some have an elephant under the king's head, being of African gold. (Fig.) The five-pound-piece is like the guinea, but has DECVS, &c. upon the rim.——Of the ſilver-monies, the crown has the king's head laureat; the arms on the reverſe in four ſeparate ſhields crowned; the inſcription as on the gold coins; and upon the rim, DECVS. ET. TVTAMEN, &c. the half-crown is the ſame, and the ſhilling and ſix-pence the like, except the inſcription upon the rim. The leſſer pieces, from the groat to the penny, have as many initial letters of his name crowned, as they contain pence, but the ſame inſcription as the crown-piece. The tin-farthing and half-penny have the king's head, IACOBVS. SECVNDVS. Reverſe Britannia, BRITANNIA, upon the rim 1685. NVMMORVM. FAMVLVS.

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DISSERTATION

ON THE

Riſe, Progreſs, Views, Strength, Intereſts, and Characters of the two Parties of the WHIGS and TORIES. Firſt publiſhed in the Year 1717.

THOUGH the two parties or factions which divide England, have been long talked of, it is but of late years that all Europe, as I may ſay, is ingaged in their quarrel. Before the laſt peace, foreigners generally looked upon the differences between the Whigs and the Tories, as a matter of curioſity, which *no way* concerned them. If any ſeemed to regard them, it was ſolely on account of the diverſity of the opinions of the two parties, concerning the hierarchy or government of the Church. To this was confined the idea, which moſt private foreigners formed of the Engliſh diviſions. I ſay, private foreigners; for princes and their miniſters knew what influence they had in the political affairs of Europe, according as the one or the other party prevailed in the court or parliament of England; but, as for the people, it may be ſaid, that in general, they knew not the conſequences of them.

The peace of Utrecht has opened numberleſs eyes, becauſe it is clearly ſeen to flow from the late revolution in the court of England, by the change of the Whig, into a *Tory*, miniſtry. As all Europe was engaged in the war, and conſequently concerned in the peace, by which it was terminated, thoſe who before only talked of the Engliſh diviſions, as of a foreign

foreign affair, are but too ſenſible of what conſequence they are to other ſtates. From that time this matter has been reaſoned and diſputed upon with more warmth. In ſhort, moſt foreigners are become Whigs or Tories, according as they have believed to ſee in the two parties, principles agreeable or contrary to their intereſts. Though Whigs and Tories equally profeſs the Proteſtant religion, and though their differences ſeem not much to concern either Proteſtants or Roman Catholics, it has happened, that the Papiſts have declared for the Tories, and the Proteſtants for the Whigs. The reaſon of this proceeding is obvious, namely, that the one have conſidered the Tories as men labouring to ſet a zealous Popiſh prince on the throne of England, whilſt the others have believed, that the preſervation of the Proteſtant religion was the ſole aim of the Whigs. There is yet another motive which has determined foreigners to ſide with one of the parties, that is, their inclination to France, or their fear of the ambitious deſigns of that crown. In this reſpect the adherents of France are Tories, and her enemies Whigs. Every one therefore has made a choice, without troubling themſelves, otherwiſe, with the differences of the two parties. This conduct in foreigners is the leſs ſurprizing, ſince in England itſelf, many are Whigs or Tories, without having a diſtinct idea of the party they have embraced.

It is very ſtrange, that hitherto the public has not been exactly informed concerning theſe two parties, which, by the ſuperiority either may have in England, are in a capacity to influence the moſt important affairs of Europe. It is true, we have tranſlations of ſeveral Engliſh books, or other pamphlets, upon this ſubject. But it is not from thence, that the true ſtate of the affairs of the two parties may be learnt. Theſe writings are publiſhed by Whigs or Tories, and conſequently by authors viſibly ſuſpected. Accordingly, there is not one but what carries evident marks of the partiality of its author. It is therefore rather from a foreign pen, that we are to expect a fair account of this matter, though, to ſpeak the truth, there are few foreigners but what either are not ſufficiently informed, or are biaſſed to one of the factions. However, the author of this diſſertation, though a foreigner, thinks himſelf qualified to give the public a more extenſive knowledge of the two parties, than many people have hitherto had. He reſided a long time in England, and has, many years, diligently ſtudied the Engliſh hiſtory. Beſides, he is attached neither by inclination nor intereſt to any one of the parties, and is now in a country where he has nothing to hope

hope or fear from either. His impartiality will evidently appear in the Diſſertation itſelf. To give a diſtinct knowledge of the two parties, the author was unavoidably obliged to deſcend to many particulars of the Engliſh hiſtory, without which the riſe and progreſs of theſe parties could not have been clearly explained. If the Engliſh think this Diſſertation defective in ſome points, and too large in others, they are deſired to remember, it was not penned for their uſe; that the author's aim was to confine himſelf to general ideas; in a word, that the things which paſs for common and well-known in England, are myſteries abroad, and require a full explication.

It will perhaps be thought ſtrange, that the author, who was born under a government purely monarchical, ſpeaks in ſome places, ſo as it may be thought he approves not of ſuch a government. To obviate this ſuſpicion, he deſires his readers to conſider, that he could not ſpeak pertinently of his ſubject, without aſſuming an Engliſh ſpirit, and conforming himſelf to the principles which are common in England. It is thus only that he believed he ſhould be able to diſcover the ſtrength and weakneſs of the two parties. All his reaſonings are founded upon this principle, of the ſolidity of which he is perfectly convinced; 'That every private perſon is in conſcience obliged quietly to ſubmit to the government eſtabliſhed in the country where he was born, or providence has placed him.' Wherefore it is his opinion, that all ſecret practices, all cabals, all means, direct or indirect, tending to the diſſolution of ſuch government, are ſo many crimes, for which the authors are reſponſible to God and their ſuperiors.

THE government of England is of a particular kind, of which there is not the like at preſent in all the world. It is, however, the ſame which was formerly eſtabliſhed in all the kingdoms of Europe, formed out of the ruins of the Roman empire. The preſent difference between England, and other ſtates, in this reſpect, is owing to this, that the Engliſh have preſerved the form of their government ever ſince their ſettling in Great Britain; whereas in other nations, it has been loſt by degrees, or extremely altered. This government, which has ſo long ſubſiſted in this iſland, appears, in ſome reſpects monarchical, in others, republican; and yet, properly ſpeaking, it is neither. It cannot be called purely monarchical, ſince the nobility and the people have a ſhare in the legiſlative power jointly with the king,

nor

nor can the king impoſe any tax, without the people's conſent. Neither is it republican, ſince there is a king, who exerciſes the ſovereign authority, who diſpoſes, as he pleaſes, of all places and dignities eccleſiaſtical, civil, or military; and can make peace or war, without conſulting his ſubjects. It would be therefore in vain to pretend to deſcribe this government, by the uſual names of Monarchy, Ariſtocracy, Democracy, which agree not with it. It is a mixed government, differing from, and yet compoſed of, all three. The prerogatives of the ſovereign, and the privileges of the nobles and people, are ſo tempered together, that they mutually ſupport one another. At the ſame time, each of the three powers, concerned in the legiſlature, may inſuperably obſtruct the attempts of one or both the others, to render themſelves independent. In ſhort, it is very near the ſame form of government, eſtabliſhed by the Saxons in Germany, by the Francs in Gaul, by the Viſigoths in Spain, by the Oſtrogoths, and after them, by the Lombards in Italy. Theſe northern nations introduced this government into the moſt ſouthern parts of Europe, when they ſettled there, and founded new ſtates upon the ruins of the Roman empire.

If, therefore, it be aſked, How long this government has been in England? I ſhall not ſcruple to anſwer, Ever ſince the Anglo-Saxons finiſhed the conqueſt of that part of Great Britain, which their deſcendents poſſeſs to this day. It is true, a doubt may ariſe, whether the commons, in the time of the Anglo-Saxons, were part of the parliament; and I confeſs this point is hard to be determined. But, however, when England was divided into ſeven kingdoms, Engliſh and Saxons, each of theſe had its king and parliament. This laſt was called the 'wittena-gemot,' or 'aſſembly of wiſe-men;' and there was alſo the like for the common affairs of the whole Hepterchy. This ſame form of government ſubſiſted, when the ſeven kingdoms were reduced to one and the ſame ſtate. 'The fields of Mars' [March] or of May, called ſince the States-general in France; the Cortes in Spain, and perhaps the Diets of the German empire, are the remains of this ancient form of government, introduced by the northern nations, wherever they ſettled.

William, duke of Normandy, ſirnamed the Baſtard or Conqueror, having ſubdued England in 1066, became abſolute, and eſtabliſhed a deſpotic power, though, in all likelihood, he preſerved the ſhadow of a parliament. To ſecure his conqueſt, he tranſplanted many Norman, French, Breton, and Angevin families, enriching them with the lands,

of

of which he inceſſantly diſpoſſeſſed the Engliſh. Theſe tranſplanted families multiplied greatly in a ſhort ſpace, and became in the end ſo powerful, as to make head againſt their ſovereigns, ſucceſſors of the Conqueror. At firſt, they gloried in their entire dependence upon the king, who had put them in poſſeſſion of their lands. Their intereſt required, that they ſhould ſupport that power by which they held all their Engliſh poſſeſſions. But when they were once firmly ſettled, they began to dread, that the regal power, which had enriched them, might with the ſame eaſe ſtrip them of their eſtates, if the king ſhould ſo pleaſe. For this reaſon, they wiſhed the government reſtored to the ſame ſtate, as in the times of the Saxon kings. This was the only means to avoid the inconveniencies of an arbitrary power, (which might, in time to come, turn as much to their prejudice, as it had to their advantage) and to perpetuate the poſſeſſion of their lands. What at firſt was only a bare wiſh, ſoon roſe into hope, and at laſt into right, by the methods I ſhall preſently ſpeak of. To explain this fully, a large detail of the Engliſh hiſtory would be neceſſary, and a particular enumeration of all the cauſes which have contributed to put the nobility, and afterwards the people, in poſſeſſion of a right, which they did not enjoy, under the firſt Norman kings. But as this detail would lead me too far, I confine myſelf with a ſhort abridgment, concerning the ſubject.

William the Conqueror, in 1087, left the kingdom of England to his ſecond ſon William, ſirnamed Rufus, in prejudice of Robert his eldeſt ſon, who had only Normandy. Robert made ſome attempts to diſpoſſeſs his brother of a crown, of which he believed himſelf unjuſtly deprived. But Rufus defeated them by his addreſs, engaging as well the Normans as the Engliſh in his intereſt, with promiſes of reeſtabliſhing the ancient government, and reviving the Saxon laws. He knew that both were paſſionately deſirous of what he made them hope. By the Normans, I mean here the foreigners newly ſettled in England. This promiſe of Rufus was therefore the firſt foundation of their pretenſions. I ſay the firſt, for the Normans had no right to demand of the king what he was pleaſed to promiſe them, and the conquered Engliſh had as little, to limit the power of their conquerors. It is true, the Engliſh might ground their pretenſions upon ſome general promiſes made them by William the Conqueror, when he received their firſt homages. But this prince never pretended that they ſhould found a right on theſe

theſe promiſes. Accordingly, he always treated England as a conquered nation. However, Rufus kept his word with neither Normans nor Engliſh.

Upon his death, Henry I, his younger brother, aſcended the throne in 1100, in prejudice of his eldeſt brother Robert, ſtill alive. To ſecure his uſurpation, he purſued the ſame courſe as his predeceſſor Rufus. He promiſed to reſtore the ancient government, and confirmed his promiſe by a charter in form, but executed it no better than his brother. However, the rights of the ſubject received ſtrength from theſe promiſes, though ill performed.

Henry I. dying, Maud his daughter, widow of the emperor Henry V, and wife to Jeffery Plantagenet, earl of Anjou, ought to have mounted the throne; but in 1135 was defeated of her right by Stephen, earl of Boulogne, ſon of the Conqueror's eldeſt daughter. He bound himſelf more ſtrongly than his two predeceſſors to reſtore the Saxon laws, but in all appearance with as little intention to perform his engagements. At laſt, the great men, finding he ſought pretences to evade his promiſes, harraſſed him with a war which laſted the moſt part of his reign. In the beginning, they called into England the empreſs Maud, and her ſon Henry by the earl of Anjou; and the war ended in a treaty, which ſecured the crown to Henry after Stephen's deceaſe, though he had ſons.

To Stephen, in 1154, ſucceeded Henry II. [illegible] reign, and that of his eldeſt ſon Richard I, there were no conteſts between the king and the barons, for ſo the great men of the kingdom were then called. But very conſiderable diſputes aroſe in the reign of king John, ſirnamed Lackland, brother and ſucceſſor of Richard I. An unhappy quarrel between this prince and the court of Rome, having forced him to do homage to pope Innocent III. for his kingdom, and bind himſelf to pay him tribute, this diſhonourable proceeding, added to many other cauſes, loſt him the eſteem and affection of his ſubjects. The barons improving ſo favourable a juncture, preſented to him the charter of Henry I, which had never been executed, and reſolved to oblige him to confirm it. John at firſt rejected it with great haughtineſs, but at laſt compelled by his own weakneſs, and the united oppoſition of almoſt all the barons, he was obliged to grant them a charter, much more ample and advantageous to the ſubject, than Henry the Firſt's, and which was called Magna Charta, or the Charter of Liberties. By this charter, drawn as the barons pleaſed, the king's power was ſo curbed,

curbed, that it was in a manner reduced to the ſame ſtate as under the Saxon kings before the conqueſt. This charter has been ever ſince the principal foundation of the rights of the ſubjects. I ſhall not here pretend to decide a queſtion ſo much above my reach, whether this foundation is very ſolid. It will ſuffice briefly to remark, by what means a conceſſion ſeemingly ſo defective in its origin, ſince it was evidently extorted, changed, as I may ſay, its nature by the firmneſs of the Engliſh, and acquired an indiſputable authority, though it might have been conteſted at firſt. To this end, we muſt ſee what paſſed afterwards with reſpect to this charter.

King John, who had ſigned it, deſiring to revoke it, drew upon himſelf freſh misfortunes, which laſted as long as he lived. The barons, reſolving to adhere to their charter, took at laſt the deſperate courſe to call in to their aſſiſtance Lewis, ſon of Philip Auguſtus, king of France, and to put him in poſſeſſion of all, or the greateſt part of the kingdom. John died during the war, deprived by a foreign prince, or rather his own ſubjects, and left a ſon of ten years of age, little capable to maintain the quarrel. Some lords, who had remained faithful to the late king, appointed the earl of Pembroke regent, during the minority of the young prince, who was recognized by his few adherents by the name of Henry III, 1216.

After the face of affairs was changed by the prudent conduct of the regent, who, ſeeing the barons bent to ſupport their charter, promiſed poſitively, it ſhould be confirmed and executed. Upon this aſſurance, they deſerted prince Lewis, who was obliged to return to France.

Henry III. was no ſooner out of his minority than he repealed Magna Charta, and thought of reigning uncontrouled. But, as he had not a capacity equal to ſuch an undertaking, his long reign of fifty-ſix years was one continued ſcene of troubles on account of the Magna Charta. He was frequently forced to confirm it, and as often broke all his oaths and engagements. At laſt, the barons took arms under the conduct of the earl of Leiceſter, ſon of the famous Simon Montfort, general of the cruſade againſt the Albigenſes. The king had the misfortune to loſe a battle, and to ſee himſelf, his brother the king of the Romans, and his ſon prince Edward, in the hands of the earl of Leiceſter, who obliged them to ſwear, they would never oppoſe the execution of Magna Charta. The earl of Leiceſter governed ſome time in the name of the king his priſoner. It is pretended, the commons were firſt received into parliament during his adminiſtration.

But, without ſtaying to examine ſo difficult a queſtion, I ſhall only obſerve, that at leaſt it cannot be denied, that ſince the end of Henry III's reign the commons have ever enjoyed this privilege.

Prince Edward, ſon of Henry III, having happily made his eſcape from the earl of Leiceſter, gained a battle in which the earl was ſlain. This victory reſtored the king to his liberty, who uſed it not agreeably to the oath he had been obliged to take. But his reign and life ended a few years after his deliverance. Though the barons party was very much humbled, yet Edward I, who in 1272 ſucceeded his father Henry III, confirmed Magna Charta. However, ſome ſteps taken by him afterwards, diſcovered a deſign to revoke it; but the barons beginning to ſtir, he retracted, and confirmed it once more.

Edward II, his ſon and ſucceſſor, in 1307, was depoſed by the parliament, for intending to eſtabliſh an abſolute power contrary to Magna Charta.

Edward III, ſon and ſucceſſor of this unfortunate prince, in 1327, confirmed it ten times during the courſe of his reign, which the victories obtained by himſelf and his ſon the prince of Wales, over France, rendered extremely glorious.

Richard II, grandſon and ſucceſſor to Edward III, in [illegible] was ſolemnly depoſed, for having violated in many [illegible] the privilege of the people, founded on Magna [illegible]

Henry IV, who had uſed that pretence to dethrone Richard II, in 1399, and put himſelf in his place, made ſome attempts to diminiſh the privileges of the parliament, but did not carry very far the execution of this project.

Henry V, his ſon, who ſucceeded him in 1413, maintained the parliament in all its rights, and left the privileges of his ſubject untouched. His reign was one continued ſeries of victories, and ſucceſſes againſt France. He died in 142[illegible]

From that time the government of England remained ſo well ſettled, and ſo firm upon its foundations, I mean, the prerogatives of the king, and the privileges of the parliament, that for near two hundred years, not one king appears to have had any intention to ſhake it. The policy of the kings turned wholly upon governing their parliaments by ſecret intrigues, without diſcovering any deſire of altering the conſtitution. True it is, that ſome kings, as Henry VIII, did what they pleaſed, but without any prejudice to the privileges of parliament. On the contrary, by ſupporting the parliament in its rights, they had the addreſs to make it ſubſervient

vient to their ends. This, by the way, is the beſt, and perhaps the only method, for a king to render himſelf powerful and eaſy.

After ſo long a continuance of the ſame form of government, and ſo uninterrupted a poſſeſſion of the privileges of Magna Charta, the Engliſh nation was ſo accuſtomed to it, that it ſeemed impoſſible to make any alteration without throwing the kingdom into confuſion. Nay, it ſeemed there was no fear that any king ſhould ever think of attempting ſo difficult a thing, at the hazard of his crown, as had been the caſe of ſome former kings. Notwithſtanding all this, James I. ſucceſſor to queen Elizabeth in 1603, failed not to take ſome ſteps in this dangerous courſe, and endeavour to diminiſh the privileges of parliament. It was by the pernicious counſels of the duke of Buckingham, his favourite, that he engaged in this deſign, which probably would have ended unfortunately for him, had not death ſurprized him before he had plainly diſcovered his intention. This duke of Buckingham ought to be conſidered as the firſt author of the troubles, which have ſo long infeſted England, and ſtill do infeſt it to this day.

It was under Charles I, ſon and ſucceſſor of James, in 1623, that the project to render the king abſolute, and independent of the laws, was vigorouſly puſhed and advanced by all methods. The duke of Buckingham, favourite to Charles I, as he had been to his father, inſpired him with maxims directly contrary to the eſtabliſhed government, and thereby occaſioned his ruin. The duke being aſſaſſinated, the deſign was purſued by Charles, which had been begun by the deceaſed favourite. He imagined, the nation might be governed without a parliament, or at leaſt that parliaments were only to ſupply him with money. He had diſſolved three in the four firſt years of his reign, and even ſignified his intention of calling no more. Twelve years paſſed without a parliament, during which the king levied taxes by the bare act of his will, upon his ſubjects, and by his conduct diſcovered a deſign to reign arbitrarily. Unhappily for him, he admitted to his perſon and council two men imbued with the ſame maxims, by whom he was puſhed on to his ruin; namely, William Laud, archbiſhop of Canterbury, and Thomas Wentworth, earl of Stafford.

While this prince had no difficulties to ſtruggle with from abroad, he enjoyed his uſurped power with ſome tranquillity, but not without the open murmurings of the people. Mean time, no perſon dared to oppoſe ſo violent a torrent. At laſt,

the archbiſhop of Canterbury adviſing him to finiſh the reſtoration of the Scotch hierarchy, and introduction of the Engliſh liturgy, he followed the pernicious advice, but could not execute his project, without engaging in an open war in 1639, with his ancient kingdom of Scotland. He levied forces, and maintained them by taxes, which he himſelf had impoſed. Money failing him after the firſt campaign, he at laſt, in April 1640, called a parliament, which was diſſolved in a few days, for the ſame reaſon as the three firſt, and the arbitrary impoſitions continued as before. But the king quickly perceived, that the continuation of his power, depended upon the happy ſucceſs of his arms. The people ſerved him with regret. The lords, on divers pretences, withdrew from court. The validity of his orders, by virtue whereof his impoſitions were levied, were conteſted in town and country. In ſhort, the king ſaw his ſubjects every where ready to deſert him, on the firſt occaſion.

This occaſion preſented itſelf ſooner than he expected. His army having received a check, and the Scots ſurprized Newcaſtle, the king was forced to ſeek means to drive them out of England, whereas he had hoped to become abſolute in Scotland. But inſtead of finding his Engliſh ſubjects ready to aſſiſt him, he ſaw them on the contrary, rejoice at his diſgrace, and conſidered it as a proper opportunity to recover their privileges. In this extremity, he aſſembled the peers at York, in order to adviſe with them upon what was to be done. Their unanimous opinion was, that the only way to free himſelf from the preſent difficulties, was to call a parliament. He then perceived, that an interval of fifteen years was not capable to efface out of the minds of the Engliſh, the memory of their parliaments, which they looked upon as the ſtrongeſt ſupport of their liberties. Mean while, he was under a ſort of neceſſity to follow the advice of the peers, in calling a parliament (a).

In the preſent diſpoſition of the people to the king, ſuch repreſentatives were choſen, as were eminent for their ability, courage, and firm attachment to the privileges of the ſubject. The parliament being met, inſtead of thinking to drive the Scots out of the kingdom, as the king had hoped, believed they ought, before all things, to ſecure the liberties of the nation, by ſetting bounds to the illegal authority, which the

(a) For the 13th of November 1640. Before the peers met, he knew they would be for calling a parliament; and ſo, for his own honour, propoſed it firſt. Rapin.

king

king had for fifteen years assumed. This resolution was no sooner discovered, than all the people adhered to the parliament. From that time the king was so destitute of friends, that he saw himself unable to resist the torrent. His only refuge was, to comply with his parliament, and pass almost every bill presented to him to curb his authority. He hoped, by this condescension, to convince his subjects of his intention to return to the ancient course from which he had been diverted by evil counsels, and perhaps he really designed it, but could gain no belief. On the contrary, it was thought, that mere necessity obliged him to measures so opposite to the former. So, mutual confidence, so necessary between the king and his people, being entirely lost, the parliament would no longer depend upon the sincerity of a prince, whom they believed they had just cause to distrust. They therefore incessantly laboured to secure the liberties of the subject from any future invasion. To this end, they were not satisfied with obtaining the king's consent to acts which reduced the royal power within its ancient limits, but also extorted his assent to laws, which considerably lessened the just prerogatives of the crown. The friends of the parliament scrupled not to affirm, that the subject could never be secure in his property, while the king had power to return to his former courses. This king Charles, who had hoped to carry the royal authority higher than any of his predecessors, saw himself, on the contrary, deprived of great part of his legal power. He even had the mortification to see himself forced, in May 1641, to sign the earl of Strafford's sentence, who had acted nothing without his orders, or at least his approbation. The archbishop of Canterbury also, lost his head on the scaffold in 1644.

Had the parliament contented themselves with settling the government upon its ancient foundations, very probably, it would not afterwards have been easily shaken. But on such occasions it is difficult to keep a just medium. The leading members, willing to screen themselves from the attempts of the royal power, almost entirely changed the ancient constitution, by stripping the crown of the best part of its prerogatives. It was no longer the king and parliament which governed the nation, but the parliament alone, or rather the house of commons, managed all affairs. The house of peers had scarce any other power, than that of an implicit assent to the bills offered to them, and the king was but the shadow of a sovereign. However, it was this very thing that procured him adherents, whom, doubtless, he would never have had,

the balance had been kept even. Many thought it as ſtrange that the parliament ſhould, as I may ſay, govern without a king, as that the king ſhould attempt to rule without a parliament. The conſtitution of the government ſuffered equally by both uſurpations. But that which brought the ſtrongeſt acceſſion to the king's party, was, that the parliament, to gain the Scots to their intereſt, were poſſeſſed with the project, of changing the Epiſcopal government of the Church, into Preſbyterian, which they accompliſhed with open force. Moſt of the Engliſh, accuſtomed to ſee the Church under the direction of biſhops, could not bear this change without murmuring. But as theſe were not the ſtrongeſt, becauſe the parliament had the treaſure, army, and places at their diſpoſal, their only refuge was to unite with the king. Then it was that two parties appeared in the kingdom, one for the king, and one for the parliament, with a ſort of equality, which quickly made it thought, they would not long remain quiet, and without coming to arms. The king's adherents at firſt had the name of Cavaliers, which was afterwards changed into that of Tories: And thoſe of the parliament, then called Roundheads, have received the name of Whigs. The origin of theſe two famous diſtinctions is this: At that time a ſort of Iriſh Banditti, or robbers, who kept in the mountains and iſles formed by the vaſt bogs of that country, were called Tories, and at preſent are known by the name of Rapparees. As the king's enemies accuſed him of fomenting the Iriſh rebellion, which broke out about that time, they gave his adherents the name of Tories. Theſe, on the other hand, to be even with their enemies, who were cloſely united with the Scots, called them Whigs, a name of reproach uſed in Scotland (b). Hence it appears, that theſe two names are as ancient as the troubles, though they were not in vogue till many years after. I cannot preciſely fix the time, but am of opinion, that Cavalier and Roundhead continued till the reſtoration of Charles II, and then, by degrees, were changed into Tory and Whig. Theſe are the two parties which began to divide England in the time of Charles I, and which ſtill divide it to this day. The Roman Catholics, called Papiſts in England, joined, from the firſt, the king's party;

(b) Rapin by miſtake ſays, they were ſo called from certain robbers in Scotland. But Burnet tells us the name is derived from the word Whiggam, uſed by the weſtern Scots in driving their horſes, from whence theſe drivers were called Whiggamors, and by contraction, Whiggs, p.

which

which was more favourable to them than that of the parliament, and have always remained united with the Tories.

What has been ſaid, ſufficiently ſhews, that the king's party was compoſed of two ſorts of men, of which the one had principally in view the political intereſt of the king and the crown, and the others, that of the Church of England. But they were all re-united in this point, that they found their mutual advantage in the king's proſperity, without which they could not hope to ſucceed in their reſpective deſigns. For this reaſon, they were conſidered but as one party, under the ſame name of Cavaliers or Royaliſts. This mixture of two different views in the ſame party, ſubſiſts to this day, and is not one of the leaſt cauſes of that confuſion of ideas, which the word Tory occaſions. To remove this ambiguity as much as poſſible, I ſhall call the firſt, the Political or State Cavaliers; and the others, the Eccleſiaſtical or Church Cavaliers. Each of theſe two branches were again ſubdivided. For among the Political Cavaliers there were ſome, who following the maxims of the duke of Buckingham, archbiſhop Laud, and the earl of Strafford, wiſhed to ſee the king inveſted with abſolute power, and able to deſtroy the privileges of the parliament. Theſe may be called the rank Cavaliers. Their number was ſmall, and little capable to ſupport the king in his adverſity, though [illegible] his proſperity, they made a great noiſe. The other branch of the Political Cavaliers, was compoſed of men whom I ſhall call moderate. Theſe deſired indeed the reſtoration of the royal authority, but according to the antient conſtitution. The other Cavaliers, whom I call Eccleſiaſtical, were alſo ſubdivided into two branches, one of which was compoſed of rigid Churchmen, who were againſt the leaſt change in the diſcipline of the Church of England. Thoſe who compoſed the other branch, were leſs ſcrupulous and obſtinate, and may be called the Low or Moderate Churchmen.

In oppoſition to the Cavaliers or Royaliſts, the Roundheads, or Parliamentarians, were divided into two principal branches, namely, the Political and Eccleſiaſtical. The firſt had principally in view, the maintenance of the rights of the people; and the ſecond, the advancement of Preſbytery. Each of theſe branches were likewiſe ſubdivided into two; one whereof was compoſed of Republicans, who aimed at undermining the regal power, and erecting a commonwealth; the other, of the Moderate Roundheads, or

Parliamentarians, desired only to reduce the king to an incapacity of abusing his power, by leaving him the possession of his just rights. This relates only to the Political Roundheads, or Parliamentarians. As for the Ecclesiastical, they also formed two branches, of which the first was composed of the rigid Presbyterians, who would be contented with nothing less than the destruction of the Hierarchy; and the other, of the moderate Presbyterians, who would have been satisfied with much less, and perhaps, with a bare toleration. It was absolutely necessary to premise thus much, in order to enable the reader to understand the sequel of this Dissertation. I shall more largely speak of the views and interests of the different branches of the two parties, after I have finished the abridgment which their rise obliged me to interrupt.

Whilst the king was in a deplorable state, without money or friends, and reduced to bear every thing from the parliament, who had him, as I may say, at their mercy, he beheld a ray of hope shine in the rise of the two parties I have been speaking of. He thought immediately, that to foment the division could not but be advantagious to him, wherein he succeeded. He thereby saw himself at last in a condition to hope to do himself justice by his arms, for the injuries of which he thought he had reason to complain. In this expectation he raised an army, and engaged in an open war against the parliament, who on their side had now taken all the necessary measures to resist him.

The particulars of this war are needless here, since the sad conclusion of it is still recent. It will suffice to say, that Charles I was vanquished, and beheaded the 30th of January 1648. Thus the king himself, the duke of Buckingham, the earl of Strafford, and archbishop Laud, authors of the project to render the king absolute, came all to a tragical end. If to these we add, the examples of king John, Henry III, Edward II, Richard II, and lastly, of James II, who had all the same design, and all miscarried in the execution, it will be easy to see how difficult and dangerous it is for a king of England to attempt to subvert so well cemented a government.

Oliver Cromwell, author of Charles I's death, remained master of the government. He durst not, however, assume the title of king; and if he had the address to render himself absolute, it was under the specious pretence of maintaining the nation's liberty. He is the single instance in Eng-

England, of an uſurper dying a natural death in his uſurpation.

While the ſovereign authority was in Cromwell's hands, the Cavaliers were extremely humbled. But they revived on the death of this formidable enemy. To give their adverſaries no advantage againſt them, they put themſelves under the conduct of thoſe of their party, who were the moſt moderate, ſo that there ſeemed to be no more rank or rigid Tories. This policy was abſolutely neceſſary, at a time, when the royal prerogative and the rights of the Church were not to be inſiſted on, as there were neither king nor biſhops. At laſt, by a moſt ſurprizing revolution, aſſiſted by the prudent conduct of general Monk, the Engliſh united to ſet Charles II on the throne, ſon of the deceaſed king, and to reſtore the Monarchy and the Church to their former ſtate.

Charles II reigned peaceably at firſt. He was a prince who wanted neither wit nor penetration, but was indolent, and addicted to his pleaſures. His intention was to live quietly, and avoid all diſputes with his ſubjects. He was too weary of a long exile, during which he had often wanted common neceſſaries, to be willing to hazard the being again reduced to the ſame ſtate. On the other hand, the Engliſh had had time, and frequent occaſion, to open their eyes, and diſcover, that by a pretended maintenance of their liberties, they had been drawn into ſervitude. For it may be affirmed, that England had never enjoyed leſs freedom, than under the government of the long parliament, and afterwards of Oliver Cromwell. However, Charles II engaged himſelf by degrees, farther than he ever intended. This, doubtleſs, was owing either to his indolence, or too great condeſcenſion to his miniſters, who were all Cavaliers, whom, for the future, I ſhall call Tories, as I ſhall give the Roundheads the name of Whigs, though I do not know exactly when theſe two names were firſt uſed. The Tories therefore, who alone were in the king's confidence, were inceſſantly urging him to reſtore the Monarchy and Church to their ancient luſtre. The court of France, for intereſts of their own, laboured to inſpire him with the ſame deſign. In a word, his miniſters took great care to hinder the Whigs from inſinuating themſelves into the king's favour.

The Tory party had at their head the duke of York, the king's brother, a prince naturally impetuous and violent; who having embraced the Roman Catholic religion in his exile, formed the project of eſtabliſhing it in England. This pro-

project could not be executed, without first extending the royal power beyond the bounds prescribed by the law, that is to say, without resuming and pursuing the same design, wherein his father had unhappily miscarried. But the duke, by reason of his impetuous temper, was very improper to conduct such an undertaking. He pursued it eagerly during his brother's reign, who had no ligitimate issue, hoping that the work then begun, would be more easy to finish on his own accession to the throne.

To succeed in this design, he had no other way than to begin it with the utter ruin of the Whigs, whose principles were directly contrary to the duke's designs, both with regard to the Church and the state. It must be observed, that most of the Whigs were then Presbyterians. So, in pretending only to attack Presbyterianism, the duke of York projected the destruction of those who opposed the increase of the regal power, without alarming the nation. Indeed, after humbling the Whigs, he might fear to meet with great obstacles from the moderate Tories, whose principles did not entirely agree with the arbitrary power he intended to establish. But he despaired not to surmount, if the Whigs, his more dangerous enemies, were once removed out of the way. To this end, he induced his brother to persecute the Presbyterians, wherein he was assisted by all the Tories, who with pleasure beheld this first occasion of being revenged on their enemies, the Whigs. So Presbyterianism was furiously attacked, under pretence of restoring the Church to the state it was in before the troubles. An act was passed, forbidding the Presbyterian assemblies, which were called Conventicles; and another, known by the name of the Test-Act, which indeed more directly concerned the Roman Catholics. This act ordained, that no person should be admitted to any public office, without producing a certificate of his having communicated in an Episcopal church. Moreover, it was called the Conformity-Act, because all who were to be admitted to any office, were obliged by this statute to conform to the Church of England.

The Whigs soon perceived, that under colour of maintaining the rights of the Church of England, the duke of York's design was to change the government of the state, and ruin the Protestant religion in England. It required some time to take just measures; and at last, with the assistance of the moderate Tories, who feared the duke of York's going too far, they obliged the king to send him out of the kingdom. Nay, the commons prepared a bill, called the Ex-

Excluſion Bill, to deprive him of the right of ſucceſſion. But the paſſing of this bill was prevented by the diſſolution of the parliament. Another was called at Oxford, in expectation of finding the members leſs violent. But the king was miſtaken, and, after a ſhort ſeſſion, was again obliged to diſſolve them, upon their endeavouring to paſs the like bill.

It will perhaps ſeem ſtrange, that the ſcene ſhould be thus changed, and the Whigs, who were extremely low, ſhould ſuddenly become ſuperior. To let the reader into the reaſon of this change, it is neceſſary to remark, that the moderate Tories promoted the deſigns of the court, while they believed them levelled only againſt the Preſbyterians. But perceiving, by all the proceedings of the king, the duke of York, and the miniſters, that a project was formed to ruin the conſtitution of Church and State, and undermine the foundations of Magna Charta, they readily joined with the Whigs to oppoſe the execution of this project. It was therefore this union which gave the Whigs a ſuperiority, to which, otherwiſe, they could never have pretended. On the other hand, the ſtate Tories and rigid Churchmen, deſiring to recover the ground they had loſt, endeavoured to gain the people to their intereſt, by accuſing the Whigs of a ſettled deſign to ruin the Church; and theſe in their turn accuſed the others, of intending the ſubverſion of the government, and of favouring the duke of York's pernicious deſigns. Thus the enmity of the parties, which ſeemed to have been much weakened by the reſtoration, was revived. It may be truly ſaid, that the Tories were in fault, who, to revenge the wrongs received from the long parliament and Cromwell's uſurpation, raſhly threw themſelves into the duke of York's party. They afterwards repented, when they ſaw to what the duke intended to make them ſubſervient.

Some time after, the minds of the people being a little calmed, the duke of York returned into England, and continued, without interruption, to foment diviſion, without which he could not hope to effect his deſigns. So this prince (by an exceſs of zeal for his religion, by a deſire of revenge, and perhaps excited by the ambition of accompliſhing a project, which had been in vain attempted by ſeveral kings of England) and Charles II, through a too great condeſcenſion to his brother, kindled a flame in England, which is not yet extinguiſhed.

Charles

Charles II died during theſe tranſactions, and the duke of York aſcended the throne, by the name of James II, without any oppoſition. He at firſt made great promiſes to his ſubjects, that neither religion nor the conſtitution ſhould ſuffer any change in his reign. But he was far from performing his promiſes. Shortly after, the duke of Monmouth, natural ſon of Charles II, relying on the diſcontent of the people, left the Low-Countries, where he had lived ſome time in exile, made a deſcent in England with a handful of men, and aſſumed the title of king. But his royalty laſted but few days. His party being much weaker than he had expected, he was defeated, taken, and beheaded. The king was ſo elated by a victory, obtained with ſuch eaſe, that he ſcrupled not to diſcover his deſigns, ſo ſecure did he think himſelf of the ſucceſs. The judges, who were devoted to him, gave their opinion, that the king might diſpenſe with the laws. Their deciſion was founded upon ſome ſtatutes lodging this power in the ſovereign, with regard to certain laws, and upon examples of ſome of his predeceſſors, who had, in this reſpect, exceeded the bounds of their power. Thus theſe corrupted judges drew from particular caſes a general concluſion, and founded a permanent right upon ſome tranſient uſurpations.

This door being opened, the king, by his ſole authority repealed the penal laws, enacted by ſeveral parliaments to prevent the deſigns of the Papiſts. He next filled his army with officers of that religion, and beſtowed preferments and titles upon men, who by the laws were unqualified. He took away the charters from London, and other corporations, and reduced them to a dependence upon his pleaſure. In ſhort, by a bare proclamation, he granted a full liberty of conſcience, and permitted to each ſect the public profeſſion of their religion. This proclamation had a double view, to favour the Papiſts, and to amuſe the Preſbyterians. The king was perſuaded, that as the latter were ſtill liable to the penal laws enacted againſt them in the late reign, they would be glad to be freed from them, and that the fear of forfeiting the liberty granted by the proclamation would keep them in ſubmiſſion. But they were not deceived by an artifice directly tending to their ruin. I omit many other ſteps taken by the king, which were but too capable to fill all his ſubjects with terror.

Hitherto the Tories in general had favoured the king's deſigns. But when they perceived, all his proceedings tended to a ſubverſion of the eſtabliſhed government and ruin of

the Proteſtant religion, they began to repent of their paſt conduct. They clearly ſaw, that by the courſe they were made to take, it was intended to lead them where they deſigned not to go, and that they could not attain their end, the ruin of the Whigs, without the loſs of their religion and liberty. In this danger, which could not be more imminent, they joined the Whigs, and with them, reſolved to call in the prince of Orange to free them from their dangerous ſtate. From that time the king's party became extremely weak, being compoſed of only Papiſts, rank Tories, and ſome lords, ſlaves of the court, and their fortune. Mean while, the king appeared outwardly as powerful as ever, and near the end of his undertaking; becauſe thoſe who yet ſeemed attached to the court, did not think proper to declare before the time. The prince of Orange was landed before the king's weakneſs was viſible. His army, his fleet, the lords whom he thought moſt devoted to his perſon, forſook him him at once, and he was reduced to the ſad neceſſity of trying, in a diſguiſe, to eſcape out of his kingdom. But failing even in this attempt, he had the mortification to ſee himſelf at the mercy of the prince of Orange, and, in all appearance, indebted to his generoſity, or perhaps his policy, for the indirect means which were furniſhed him, of flying into France. This example ſhows, that though the Engliſh are divided into two parties, and there is great enmity between them, their paſſion does not however cauſe them, in general at leaſt, to abandon the intereſts of religion and liberty.

William and Mary being crowned, on the flight, or, as it was called, the abdication of king James, their chief care was to ſtifle the ſeeds of diviſion ſtill ſubſiſting between the Whigs and Tories, though the danger had united them. In order to this, it was neceſſary to remove from the miniſtry and their confidence, the favourers of king James's deſigns, and the bigots to the minuteſt rites and ceremonies of the Church of England. Without this, the Whigs could never have enjoyed any quiet, ſince they ever conſidered the rank and rigid Tories, as their irreconcileable enemies. On the other hand, it was not leſs neceſſary to remove from the council the moſt rigid Whig Preſbyterians, for fear of giving occaſion to think, there was a deſign to change the Church-government. This fear would have been the moſt juſt, as the new king having ever profeſſed in Holland the Preſbyterian religion, the leaſt ſtep in its favour, might have raiſed a ſuſpicion of his deſigning to eſtabliſh it upon the ruins of the

the national Church. Great addreſs was therefore to be uſed to remove all cauſe of fear and jealouſy in the people. It was for theſe purpoſes, that during the reigns of William and Mary, the offices were generally conferred on the moderate men of both parties. This maxim was purſued by king William when he reigned alone, after the queen's death. But as it was impoſſible to pleaſe both parties at once, unleſs there had been more places to give, he affected frequently to change his miniſtry, and employ the two parties alternately. This was all he could do, till time ſhould have extinguiſhed entirely the flames of diviſion.

Under ſuch circumſtances, and a king of ſuch wiſdom and foreſight, it may be almoſt affirmed, that no diſturbance would have happened to the government from the difference of the principles of the two parties, if the Church-Tories could have been contented with ſeeing their Church remain eſtabliſhed. But they could not be ſatisfied, ſo long as they ſaw the Preſbyterians enjoy an entire liberty of conſcience, publickly exerciſe their religion, and fill offices, contrary to the conformity-act of king Charles II. They were jealous that the Whigs intended by degrees to undermine the Church, and that the king concurred with them in that deſign. What they had ſeen during the long parliament gave them occaſion to fear the ſame attacks. The rank Tories, having loſt king James, their patron and defender, inſpired the Epiſcopal party with theſe fears and jealouſies, to animate them againſt king William. They perceived, they were no longer able to ſupport themſelves, unleſs means were found to engage the Church in their quarrel. Hence the rumours induſtriouſly ſpread among the people, of the Church's being in danger. The Whigs ſaw by this, that the rank Tories had not relinquiſhed their projects, but would, whenever they were armed with power, make uſe of the pretence of religion to ruin them, in imitation of king James. It was thus, that animoſity was continued between the two parties, notwithſtanding king William's care and endeavours.

It ſeemed therefore, that religion was then the ſole point in queſtion between the two parties; the junctures not allowing either the rank Tories, or the republican Whigs, to puſh their principles. This has given occaſion to a falſe idea of the differences between the two parties, and to an imagination, that they ſolely conſiſt in a diverſity of ſentiments concerning Church-government. But this is certainly a miſtake. When an opportunity offers, the rank Tories [illegible] the ſafety of the Church is not the ſole motive of [illegible] conduct, and

and probably the republican Whigs would alſo remember their maxims, at a favourable juncture.

As to the Papiſts, who may be conſidered as a branch of the Tories, they would have had reaſon to be ſatisfied with king William's moderation, if their extreme deſire to ſee king James again on the throne, had not cauſed them to look upon the reigning king as their enemy. Some of them were even engaged in conſpiracies againſt his perſon, which only turned to their own confuſion and ruin. This immoderate deſire expreſſed by the Papiſts, and even by ſome Tories, for the reſtoration of king James, obliged king William to ſeek means, not only for the prevention of their ill deſigns during his life, but alſo to render their endeavours fruitleſs after his death. Accordingly, by an act of parliament, the ſucceſſion of the crown was ſettled in the illuſtrious houſe of Hanover, without any regard to the pretenſions which birth or nearneſs of blood could give to any Papiſt whatſoever. William died ſhortly after, and Anne, daughter of James II, and princeſs of Denmark, mounted the throne.

This queen had been educated in the principles of the rigid Tories with reſpect to religion, and, probably in thoſe of the rank Tories, with regard to government. At leaſt, all who had any power over her, or were concerned in her education, were of this character. Charles II, her uncle, James II, her father, the earl of Rocheſter, her mother's brother, were all rank Tories, deeming any oppoſition to the ſovereign's will, a manifeſt rebellion. Queen Anne was beſides of no great capacity, and naturally obſtinate. An accidental quarrel with her ſiſter Mary, having made her reſolve to withdraw from court, ſhe was ſo punctual to her reſolution, that ſhe would not even viſit the queen her ſiſter, when on her death-bed. The meanneſs of her genius foretold the power which her miniſtry would have in the government. On the other hand, her education made it feared, ſhe would be guided by the rank and rigid Tories, of whom her uncle, the earl of Rocheſter, was conſidered as the head. This lord was equally dreaded by the Whigs and moderate Tories, as a dangerous man, and capable of carrying things to extremities. He was otherwiſe a perſon of great parts, but very fond of his principles. Probably, he was going to be at the helm of the government, by the acceſſion of the queen, his niece, to the throne. But it is pretended, that the fear of the moderate Tories, to ſee him in ſo high a poſt, made them [illegible] to join with the Whigs, to prevent it. At leaſt it is certain that ſuch an union was made, which forced the

queen

queen to throw herſelf into their arms, and [illegible] them with the management of affairs. I am [illegible] uſed to bring the queen to theſe [illegible] dolphin, Marlborough; and ſome other [illegible] rate Tories, were among thoſe who joined the Whigs, and ſtrengthened them more by their ability than their credit and numbers. From this time, the moderate Tories and the Whigs made but one party.

It is needleſs to relate here, with what glory to England, and to the queen in particular, theſe new miniſters directed the public affairs. This is a thing univerſally known, and the memory of it ſtill recent. But it is pretended, that by reaſon of the meanneſs of the queen's genius, they held her in a kind of ſervitude, though they outwardly affected to give her the honour of all her glorious ſucceſſes. During their adminiſtration, the rank and rigid Church-Tories were excluded from all civil employments, and eccleſiaſtical dignities. Had this continued to the death of the queen, theſe two branches of the Tory party would doubtleſs have been conſiderably leſſened in number and credit.

Mean time, the queen ſaw herſelf, not without ſome impatience, forced, as it were, to follow the counſels of thoſe whom ſhe had a right to command, and who, if public report is to be credited, left her not free to purſue her own inclinations or judgment. The rank Tories perceiving, or perhaps ſuggeſting theſe ſentiments to the queen, induſtriouſly cheriſhed her diſcontent, by the aſſiſtance of a certain lady, who was in her confidence. Such was their ſucceſs, that after they had ſatisfied her, that ſhe was a ſlave, they brought her to a reſolution of freeing herſelf. This intrigue was conducted with ſuch art and ſecrecy, that her miniſters found themſelves ſupplanted, before any meaſures could be taken to prevent their ruin. Immediately, their places were filled with rank and furious Tories. The parliament, in which the Whigs had a great ſuperiority of votes, was diſſolved, and another called; to which the new miniſters took care to have members returned devoted to their party. Any perſon, ever ſo little acquainted with the affairs of England, knows what influence the court has in the elections. It may, however, be affirmed, that in reſpect of number, the party of the miniſtry was ſtill inconſiderable. But they had the queen and the parliament on their ſide. Beſides, they were very careful to ſtrengthen their party, by infuſing jealouſies on the account of religion, and perſuading the Epiſcopalians, that the Church had been in great danger, during [illegible] ate adminiſtration

ſtration, and would always be ſo, as long as the Whigs had any ſhare in the government. Theſe inſinuations revived the paſſion of the Church-Tories, and carried them to ſuch exceſſes againſt the Preſbyterians, as ſhould not be allowed in a well ordered ſtate, but which theſe miniſters affected to connive at. Indeed, their deſign was not to leſſen, but rather to increaſe the animoſity between the two parties, becauſe their own was thereby ſtrengthened.

Hitherto every thing ſucceeded to the wiſh of the new miniſtry. But they were very ſenſible, that the preſent advantages procured by theſe imaginary terrors would be of no long continuance. Beſides, though they could have kept the people always in this diſpoſition, the queen might die very ſoon, eſpecially as ſhe was very infirm. In that caſe, they had reaſon to fear, the fabric they had raiſed, would be demoliſhed, by the elector of Hanover, who was to ſucceed the queen, by virtue of the act of ſucceſſion, for which he was chiefly indebted to the Whigs. They were therefore to think of preventing this danger without loſs of time. Their party was too weak to ſtruggle with the ſovereign, ſhould he happen to be againſt them, as had been often ſeen during the reign of king William, and in the firſt years of queen Anne. They therefore concluded, at leaſt, if we may judge by their proceedings, that their ſureſt way would be to ſecure the crown to the pretender, in order to have a protector when the queen ſhould fail them. It is however ſtill uncertain, whether the earl of Oxford, that able miniſter, now in the Tower, was of this opinion. But it cannot be denied, that they believed the aſſiſtance of France to be abſolutely neceſſary for their ſupport. Accordingly, to ſecure it, they made a diſhonourable and haſty peace, to the aſtoniſhment of all Europe, and forced the allies of England to follow her example. Probably, had not the queen died ſo ſoon after the peace, the oppreſſed Whigs would have been obliged to call in to their aſſiſtance, the elector of Hanover, as they had before the prince of Orange, but with far leſs hope of having the general concurrence of the people. The reaſon is, becauſe king James's deſign to ſubvert the Church and State, was ſo open, that it could not be doubted, whereas againſt the pretender, there was only bare preſumption.

What has lately happened ſince king George's acceſſion to the throne ſhows, there was a formed deſign to ſecure the ſucceſſion to the pretender, had not the death of the queen hap-

happened, before the authors of it had time to take all their meaſures. It is however uncertain, whether they could have executed their deſign, or whether, if they could, the pretender's reign would have been of any long continuance. The Engliſh in general are extremely jealous of their laws and liberties, nor are they leſs ſo of their religion. This is what I think I may venture to affirm, tho' ſome of them ſeem indifferent as to the latter. But, thanks be to God, there are far from being the majority. Now it would have been very difficult for the pretender, advanced to the throne by foreign aid, profeſſing a religion contrary to the national, and guided by rank Tories, to keep himſelf within the bounds of moderation, neceſſary to gain the hearts of his ſubjects, without which a king of England can never ſit firmly on his throne. However, without ſtaying to gueſs what might have happened, let us only obſerve, that the rank and rigid Tories have been diſappointed. Not only, the pretender is not king, but his hopes of becoming ſo were never leſs. King George is in peaceable poſſeſſion of his crown; the Tories are humbled, and the Whigs, lately oppreſſed, are now at the [illegible] of the wheel.

After this brief account of the riſe and progreſs of the Tories and Whigs, it will not perhaps be unacceptable to the reader to know more particularly the views, intereſts, ſtrength, and characters of the two parties. For this purpoſe the different branches before-mentioned muſt be carefully diſtinguiſhed. It is therefore neceſſary to repeat here, that the two parties may be conſidered under two different relations; namely, with reſpect to the ſtate, and with regard to the Church. I ſhall firſt ſpeak of the State-Tories and Whigs, after which, I ſhall conſider them with reſpect to religion.

The State-Tories are, as I ſaid, divided into two branches, one of which may in French be called, Rank. In England they are known by the name of High-flyers. This idea, taken from birds that, by ſoaring above the common flight, loſe themſelves in the clouds, is very ſuitable to men, who cannot contain themſelves within the limits of the eſtabliſhed government. Theſe are for having the ſovereign abſolute in England, as he is in France and ſome other countries, and for erecting his will into law. They regard not what I have ſaid in the beginning of this Diſſertation, that all the governments at this day in Europe were originally like that eſtabliſhed in England; and conſequently there is no reaſon why the Engliſh ſhould imitate nations who have ſuffered it to be loſt, or at leaſt very much altered. It may be imagined that in

in ſuch a country as England, this party cannot be very numerous, and yet they are very conſiderable for three reaſons. *Firſt*, becauſe the heads of this party are perſons of the higheſt rank, and commonly favourites and miniſters of ſtate, or ſuch as hold the greateſt offices at court, and the moſt eminent dignities in the Church. Theſe men, who would not willingly put themſelves under the conduct of others, being thus advantageouſly ſituated, become, generally, the leaders of all the Tory party. They manage them as they pleaſe, not only for the advantage of the whole party, but chiefly for their own particular ends. Thus very often, under pretence of acting for the intereſt of the party, their proceedings tend only to their own advantage, and the Tories are led by them much farther than moſt of them deſire. It is this which gives occaſion to many perſons to accuſe all the Tories of being for arbitrary power, though it is certain that only the High-flyers are chargeable with this principle. But 'tis no great fault, it ſeems, to aſcribe to a whole party what is done by their leaders.

Secondly, This particular branch of Tories is conſiderable, in that, when they are in the miniſtry, they engage the Church-Tories ſtrenuouſly to maintain the doctrine of paſſive-obedience, which goes a great way towards gaining the people to their party. They inſinuate to the Epiſcopal miniſters, that they have only in view the ruin of the Preſbyterians, and under that pretence cauſe them to preach a doctrine, the conſequence of which extends to all the ſubjects. This was experienced in the reigns of Charles II, of James II, and of queen Anne, towards the concluſion.

Laſtly, The party of the High-flyers becomes very powerful, when, as it frequently happens, they are ſupported by the king, and then it is that the liberty of the nation is in danger. Proofs of this, have been ſeen in the reigns of James II, and Charles I, Richard II, Edward II, and Henry III; for the High-flyers are more ancient than is imagined.

The ſecond branch of the State-Tories is compoſed of thoſe I called moderate. Theſe are for having the king enjoy all his prerogatives, but they pretend not, with the High-flyers, to ſacrifice to him the privileges of the ſubject. They are true Engliſhmen, who have the welfare of their country at heart, and are for preſerving the conſtitution tranſmitted to them by their anceſtors. They have often ſaved the ſtate, and will again ſave it, when in danger from the rank Tories or Republican-Whigs, by oppoſing with all their power thoſe

who ſhall attempt to alter the government. It would be injuſtice, to confound them with the High-flyers under the general denomination of Tories.

As there are two branches of State-Tories, ſo there are two of State-Whigs, namely, Republican, and moderate Whigs. The Republican-Whigs are the remains of the party of the long parliament which endeavoured to turn the government into a commonwealth. Theſe at preſent are ſo inconſiderable, that they ſerve only to ſtrengthen the other Whigs, with whom they uſually join. The Tories would perſuade the public, that all Whigs are of this kind. And in like manner the Whigs would have it believed that all Tories are High-flyers. But this is only an artifice to render one another mutually odious.

The ſecond branch of the State-Whigs contains the moderate Whigs, who are nearly allied to the moderate Tories in principle; and conſequently are to be conſidered as true Engliſhmen, who deſire, the government may be maintained upon its ancient foundations. Herein they would be exactly like the moderate Tories, were it not that theſe incline more to the king, and the moderate Whigs to the parliament. The moderate Whig is perpetually hindering the people's rights from being invaded, and ſometimes even takes precautions at the expence of the crown. By him the triennial act was procured, with ſome others, which 'tis needleſs to mention, to prevent the abuſe of the royal power. Hence it is evident that the High-flyers have no greater enemies than the moderate Whig, and that theſe two branches of Whigs and Tories properly form the oppoſition between the State-Tories and State-Whigs. Theſe laſt laugh at paſſive-obedience when its conſequences are carried too far. Their principle is, that the royal power has its bounds, which cannot be tranſgreſſed, without injuſtice. Conſequently they believe, that whenever the ſovereign exceeds his prerogatives, he may be reſiſted by his ſubjects. Hence it is eaſy to infer, they do not think the king can diſpenſe with the laws.

What has been ſaid is ſufficient to ſhow that the moderate State-Whigs and Tories are almoſt of the ſame ſentiments. Their being of different parties proceeds from their mutual fear that either may make the balance incline too much to the king's or the parliament's ſide. It is not therefore ſtrange, that theſe two branches of the oppoſite parties, unite in the preſſing exigencies of the ſtate. For, their views equally point to the preſervation of the government; though often they purſue their end by different paths. Accordingly ſince the

the union of theſe two branches upon the death of king William, they have remained inſeparable, and the moderate Whig and Tory form almoſt the ſame party, under the common appellation of Whig. I dare not however affirm, that there are not yet moderate Tories who keep by themſelves, and are unwilling to be confounded with the Whigs.

It muſt be remembered, that hitherto I have only ſpoke of the Tories and Whigs in relation to the government, without any regard to religion. I take care not to confound things which ought to be carefully diſtinguiſhed. It is not true that all Churchmen are Tories, or all Preſbyterians Whigs, in point of government, as is commonly imagined. Many Preſbyterians are, in this reſpect, of the ſame principles with the moderate Tories, and would not be leſs concerned to ſee the king ſtripped of his prerogatives, than the ſubject of his privileges. In like manner, many Churchmen, even biſhops themſelves, are Whigs, very good Whigs as to the government, and as conſidered in oppoſition to the High-flyers, which ſhows the neceſſity of diſtinguiſhing State-Tories and Whigs, from Church-Whigs and Tories, of whom we are now going to ſpeak.

I preſume the reader knows that the Church of England, when ſhe received the reformation, admitted only ſome alterations in her doctrine, but preſerved the hierarchy, with all the ceremonies in which ſhe ſaw nothing ſuperſtitious. The reformation was not properly compleated till the reign of Elizabeth. Then it was that ſeveral conſtitutions of the convocation, confirmed by acts of parliament, ſettled the public worſhip as it ſtands to this day. Mean while, many Engliſhmen, who had fled from the rage of queen Mary, returned home with favourable ſentiments of the reformation, as eſtabliſhed in France, Switzerland, Geneva, and other parts of Germany. Theſe men could not comply with the reformation in England, which, in their opinion, had not been carried far enough from the church of Rome. For this reaſon they not only abſented themſelves from the aſſemblies of the eſtabliſhed Church, but alſo compoſed ſeparate aſſemblies, which were called conventicles. Theſe ſeparatiſts were likewiſe ſtiled Preſbyterians, becauſe, refuſing their ſubmiſſion to the biſhops, they maintained that all prieſts or miniſters had an equal authority in the church, which ought to be governed by preſbyteries, or conſiſtories, compoſed of miniſters and lay-elders. Upon this occaſion were two parties formed, who wanting the mutual forbearance of perſons profeſſing in the main the ſame religion, began to moleſt one

another with diſputes in conference and writing. The Church-of-England-men were very angry, that private perſons ſhould pretend to reform what, after mature deliberation, had been eſtabliſhed by national ſynods and parliaments. On the other hand, the Preſbyterians thought it no leſs ſtrange, that they ſhould be compelled to practiſe what they believed contrary to the purity of religion (a), and with what their conſciences could not comply. The Preſbyterians were long oppreſſed, becauſe their adverſaries ſupported their arguments with reaſons from the authority of the queen and parliament.

The Preſbyterians conceived great hopes of the acceſſion of James I, becauſe that prince had always profeſſed their religion whilſt he reigned in Scotland. But as he readily conformed to the Church of England, they were not much eaſed. Mean while, this party, though oppreſſed, ſo increaſed, that in the beginning of the troubles they were become very numerous. King Charles I. was ſo attached to the Church of England, that it may be affirmed, he died a martyr to it, as is evident from his hiſtory. His opinion of the purity of this Church, made him hearken to William Laud, archbiſhop of Canterbury, ſuggeſting to him the reduction of the Church of Scotland under the ſame government with that of England, by introducing the hierarchy. This undertaking engaged him in a war with Scotland, and the war produced the long parliament, againſt which he thought himſelf obliged to take arms. This parliament wanting the aſſiſtance of the Scots, could not obtain it but by an engagement to make the Church of England Preſbyterian. A quarrel was therefore ſought with the biſhops, deans, and chapters; in a word, with the whole Church of England, which ſaw its hierarchy, eſtabliſhed by queen Elizabeth, entirely ſubverted, and the Scotch Preſbyterian government introduced. In this diſtreſs, the Epiſcopalians had no other reſource than to unite the Epiſcopal party with the king's party, and as they had one common intereſt with the Cavaliers, namely, the maintenance of the king's cauſe, they were confounded with them under the ſame party denomination. The Preſbyterians were in the like manner reckoned among the Roundheads, becauſe they adhered to the parliament.

During the long parliament, and even to the death of Cromwell, the diviſion of the branches juſt mentioned, was hardly perceived. All who were known by the name of Roundheads, or Parliamentarians, were rigid Preſbyterians

(a) This procured them the name of Puritans,

and

and Republicans. This was the party then in vogue, and the only one that could prefer ſuch as aſpired to the poſts in the gift of the parliament. In like manner the followers of the king's party appeared to be rank Cavaliers, or rigid Epiſcopalians, becauſe theſe were then moſt regarded at court. But on the reſtoration of Charles II, the ſeveral branches of the two parties began to be diſtinguiſhed. All being tired with the troubles which had ſo long harraſſed the kingdom, the moderate no longer feared to diſcover their ſentiments. Some of the Preſbyterians teſtified a readineſs to relax, and many Epiſcopalians were of opinion that, for the ſake of peace, ſome condeſcenſion might be uſed to the Preſbyterians. Theſe therefore were the men of both parties, who preſerving this moderation, formed the two branches of the moderate Whigs and Tories, with reſpect to religion. But ſtill the majority in both parties, firmly adhered to their principles with inconceivable obſtinacy. Amongſt the Epiſcopalians there were, who, upon no account whatſoever, could be perſuaded to recede in the leaſt from the practice of their Church. On the other hand, there were Preſbyterians who were no leſs offended at ſeeing a miniſter officiate in a ſurplice, than at hearing him preach hereſy, and who branded with the name of idolatrous and ſuperſtitious, every ceremony retained by the Church of England. This gave birth to the two branches of the rigid Epiſcopalians and Preſbyterians, which ſubſiſt to this day. The hierarchy is the principal point, on which they are divided. They are both compriſed under the name of Whigs and Tories, becauſe the rigid Epiſcopalians join with the Tories, and the Preſbyterians with the Whigs.

From what has been ſaid concerning the ſeveral branches of Whig and Tory, it is eaſy to gather that theſe two names are very obſcure and equivocal terms, becauſe they convey, or ought to convey, to the mind different ideas, according to the ſubject diſcourſed of. For inſtance, if I hear it ſaid, that the Tories and Whigs are at great enmity, this raiſes in my mind an idea comprehending all the ſeveral branches of Whigs and Tories in general. But if I am told, the Tories are for having the king abſolute and independent, or that the Whigs would be glad the regal power were aboliſhed, my idea can only extend to the High-flyers and the Republican-Whigs. The reſt of the Whigs and Tories would doubtleſs be offended at any ſuch imputations. In like manner, if I hear that the Tories had rather ſee a Papiſt on the throne than a Proteſtant, favourable to the Whigs, I ſhould injure

the Tories in general, by imputing ſuch a thought to them, which can only be entertained by the Popiſh and ſome rigid Church-Tories, and perhaps ſome High-flyers. Laſtly, if I hear that the Whigs aim at the ruin of the Church of England, I can underſtand this only of the Preſbyterian-Whigs, ſince the Epiſcopal-Whigs, amongſt whom are ſeveral biſhops, cannot with juſtice be accuſed of labouring the ruin of their own church. Thus the names of Tories and Whigs convey to the mind certain confuſed ideas, which few are capable of rightly diſtinguiſhing. But this difficulty ſtill increaſes, when it is conſidered that the ſame perſon may be either Whig or Tory, according to the ſubject in hand. A Preſbyterian, for inſtance, who wiſhes the ruin of the Church of England, is certainly for that reaſon in the Whig-party. But if this Preſbyterian oppoſes with all his power the attempts of ſome of his party, againſt the regal authority, it cannot be denied that he is in that reſpect a true Tory. In like manner, when the Church only is concerned, the Epiſcopal party are to be conſidered as Tories. But how many even of theſe are Whigs with reſpect to the government? Nor have foreigners only ſuch confuſed ideas in this matter; the Engliſh themſelves are liable to them. Nothing is more frequent than to hear a Whig charging all the Tories in general with an intention to deſtroy the rights and liberties of the ſubject; and a Tory arraigning the Whigs without diſtinction, as utter enemies to the Church and ſtate. Every man uſes this confuſion of ideas, occaſioned by the names of Whig and Tory, to accuſe his adverſaries of what is moſt odious in both parties.

Having ſhown as diſtinctly as I could, what is to be underſtood by the Tories and Whigs, I am next to examine the ſeveral motives and intereſts of the two parties. Were we to rely on what is ſaid by both, nothing is more juſt, more equitable, than the motives by which they are actuated, namely, the glory of God, the honour of the king, the public good, and the welfare of the nation. For my part, if I may ſpeak my mind, it is my belief, that as they are all men, intereſt is the main ſpring of all their actions. Since the two parties were formed, each has earneſtly laboured to gain a ſuperiority over the other, becauſe this ſuperiority is attended with poſts, honours and dignities, which are conferred on their own members by the prevailing, in excluſion of thoſe of the contrary party. This made king William ſay, that, 'If he had places enough to beſtow, he ſhould ſoon reconcile the two parties.' There would be yet another expe-

dient

dient to ſupply what that prince imagined, namely, to confer all the great places upon neutral lords. But where ſhall we find a ſufficient number of ſuch, who are qualified to exerciſe the higheſt offices? Certainly there are but very few. I own however there are ſome, who, by their capacity, their impartiality, their diſintereſtedneſs, would deſerve a particular diſtinction. I wiſh I knew them all, that I might inſert their names, and give them in part their due praiſe. But theſe lords, ſo worthy of being known, are little heard of in foreign parts, becauſe as they make their court to neither party, the public poſts generally fall not to their ſhare. Nevertheleſs, it ſometimes happens that miniſters are in a manner obliged to find out theſe neutral lords, and advance them to the firſt dignities in the kingdom. We know one eſpecially, who, without ever courting the Whig or Tory miniſters, was ſent ambaſſador and plenipotentiary at the peace of Ryſwick, honoured with the order of the garter, ſucceſſively raiſed to the offices of lord privy-ſeal, lord preſident of the council, lord high-admiral of England, and lord-lieutenant of Ireland, though he never ſollicited theſe great offices. I ſpeak of the earl of Pembroke, whoſe reputation is better known to me, than that of ſome other lords of the ſame character, who ought to receive no injury from my ſilence. Among all his other virtues, his integrity in the great poſts which he has filled, calls for much nobler encomiums than he can receive from a foreigner, who has neither the honour to know him perſonally, nor to be known by him. If there were in England twelve ſuch lords, advanced to the great offices, it would be an infallible means to humble both parties at once. Then the aſpirers to employments would make it a merit to eſpouſe neither party, and this impartiality would ſoon deſcend from the great men to the people. But this is a happineſs rather to be deſired than hoped. Neutrality, far from promoting perſons of diſtinguiſhed merit, is rather a ſure impediment to their riſing, becauſe the miniſters and party-leaders think only of gratifying their creatures.

Intereſt, as I ſaid, is the principal motive which actuates the two parties, and this is but too apparent. If, for inſtance, the High-flyers wiſh to ſee the ſovereign in poſſeſſion of abſolute power, I very much doubt whether this flows from a deſire of procuring the welfare of the kingdom, though they ſhould be perſuaded that deſpotiſm is the moſt compleat form of government. If the public good was the ſole ſpring of their actions, they would not be ſo warm. The ſame may be ſaid of the other branches of the two parties. Each would

have it believed, they have only the good of the kingdom in view, while in fact they are only labouring for themſelves, their family and poſterity. But when I ſay that intereſt is their principal motive, I pretend not to exclude entirely many others, which may actuate as well the heads as the members of each party. Some believe that their principles really tend to the good of the ſtate; others act from a religious motive; ſome are ſwayed by revenge, party-ſpirit, and the deſire of ſuperiority. Numberleſs other motives there are on which I think it needleſs to inlarge, that I may not be led to examine the conduct of particulars. It is certain, many may purſue the ſame ends from different motives. It will be better to ſhow the ſtrength and ſeveral intereſts of both parties. In order to this, it is neceſſary to proceed in this examination according to the different branches into which they are divided. I ſhall begin with the Tories.

It is difficult at firſt to conceive, that in a country like England, bleſſed with ſo many noble privileges, which other nations do not at preſent enjoy, there ſhould be men who wiſh to ſee the king inveſted with unlimited power. There are indeed but very few who openly profeſs themſelves to be of the party which I call High-flyers. Nevertheleſs it is but too true, that ſuch a party has always been in England, and ſtill ſubſiſts to this day, though diſowned by moſt of thoſe who are engaged in it. Can it be denied that ſuch a party exiſted under Charles I? The very judges of the kingdom, who are conſidered as the interpreters of the law, gave it as their opinion, that in caſes of neceſſity the king might impoſe taxes upon his ſubjects, and that the king himſelf is the ſole judge of ſuch caſes. This was rooting up the nobleſt prerogative of the parliament, and the principal cauſe of their frequent meetings. If the ſovereign could levy taxes upon his ſubjects, without authority of parliament, it may be affirmed, that their ſeſſions would be very rare, and perhaps, in time, entirely ceaſe. But, if the parliament were once laid aſide, what would become of the privileges and immunities of the ſubject? In all likelihood, the caſe would be the ſame as in France, ſince the general aſſembly of the ſtates has been diſcontinued. Has it not alſo been ſeen under James II, that the judges aſcribed to the king a power of diſpenſing with the penal laws? And was not this making him abſolute? In ſhort, we have ſeen Charles I, Charles II, James II, taking large ſteps towards arbitrary power, which they would never have attempted, had they not expected to be ſupported by a numerous party. Let queen Anne's proceedings in the laſt

years

years of her reign be conſidered; for inſtance, the negotiation and concluſion of the peace of Utrecht, the creation of twelve peers at once, the violences uſed in parliamentary-elections, and it cannot be denied that they were ſo many advances towards deſpotiſm, to which ſhe was excited by the party I am ſpeaking of. It is therefore certain, there is ſuch a party in the kingdom. But as they dare not openly avow their principles, they cover them with the pretence of maintaining the rights of the crown, to which they ſeem to confine themſelves, willing to have it believed that they are of the party of the moderate Tories. But the principal High-flyers, being commonly favourites or miniſters of ſtate, it generally happens that they become heads of the whole party of the Tories, and engage them to do more than they would. They begin with attacking the Preſbyterians, and ſo engage the Church-Tories to follow their meaſures, without knowing whither it is intended to lead them. On pretence of having the Diſſenters only in view, they cauſe the clergy to preach paſſive-obedience, which tends directly to arbitrary power. It is this which renders the High-flyers more powerful than appears at firſt ſight. The main concern of this party lies in drawing the Church into their quarrel, by pretending an extreme zeal for her rights. They are thereby confounded with the Church-Tories, whoſe number is very conſiderable, avoid giving the alarm to the moderate Tories, and keep themſelves undiſcovered till they have made the whole party ſubſervient to their particular deſigns. But for all this, notwithſtanding their care to obſerve what I have been ſaying, they have the misfortune never to arrive at the end of their career. After they have made themſelves leaders of the whole Tory-party, and by ſecret paths, conducted the moderate and Church-Tories to a certain point, they are at laſt forced upon ſome proceedings which diſcover their deſigns. Then they loſe many of their followers, who not only deſert them, but go over to the Whigs. This was the caſe of James II, who ſaw himſelf ſuddenly abandoned by all the world, juſt as he thought himſelf ſecure of his ends. If, in the laſt year of queen Anne, the High-flyers who governed in her name, had attempted to procure a repeal of the act of ſucceſſion, very probably, they would have met with the ſame mortification, and I do not doubt but the ſame thing will happen upon every the like occaſion. The reaſon of what I advance ſeems to me evident, namely, that it can be advantageous but to very few Engliſhmen, to have a Popiſh or abſolute king.

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The party or branch of the moderate Tories much exceeds in number that of the High-flyers; whatever advantage this laſt may have from the quality of their leaders, the other is more powerful from the goodneſs of their cauſe, I mean the preſervation of the king's juſt prerogatives. This is properly the intereſt of all Engliſhmen, who cannot hope for greater happineſs under any other form of government, than under that which has been ſo long eſtabliſhed. This branch of the moderate Tories becomes ſtill more conſiderable as often as any attempt is made to extend or abridge the royal prerogative. If to abridge it, they are joined by all the Whigs; if to extend it, they are aſſiſted by all the reſt of the Tories. Nevertheleſs, it ſometime happens, that the junctures produce ſome change in the principles, as well as in the intereſts of this party. When the ſovereign favours the Tories in general, by conferring places and poſts upon them, nothing is capable to detach the moderate Tories from his intereſt: But their affection cools whenever he inclines to the other ſide. Then, if they ſee the Whigs, by a precaution common to them, make any attempt upon the prerogative royal, they are ready to join them. But herein their ſole aim is to let the king know that they deſerve his regard. This courſe was frequently taken by them in the reign of king William, who often changed ſides. In general, it is the intereſt of the moderate Tories to oppoſe the attempts of the Whigs againſt the authority of the ſovereign, becauſe this ſupports their credit at court and in the country. But withal, they are to take care that the High-flyers do not, under the ſpecious pretence of being of the ſame name and party, carry them farther than is neceſſary.

As to the Church-Tories, it may eaſily be conceived that they include almoſt the whole kingdom in their party, ſince this branch conſiſt of all the members of the Church of England. Therefore when religion is in queſtion, between the Whigs and Tories, the former are not able to reſiſt their adverſaries. To this ſuperiority is owing the readineſs with which the Church-Tories ſhow their reſentment againſt the Preſbyterian Whigs. It is not ſo with the Whigs, who even in their greateſt proſperity dare not ſo much as diſcover the leaſt thought of attacking the Church. They did it once under the long parliament, and it will never be forgot by the Tories. They look upon the Whig-party as an enemy always ready to undermine the foundations of their Church, and, from what was once done, infer the deſire of doing the like again, when a favourable opportunity preſents.

ſents. This makes them ſo readily receive every impreſſion which from time to time is given them of the Church's being in danger, and ſuffer themſelves to be ſo eaſily deluded on that account. Their leaders know ſo well how to improve this diſpoſition, that they project nothing in relation to the ſtate, without including the Church. This is an infallible expedient to unite the whole party, which would be very much divided, were the government only concerned. This procured Charles I. many adherents, whom aſſuredly he would have wanted, had the parliament not attacked the Church of England. Moreover, it was this, which in the reign of Charles II. put the duke of York, though a Papiſt, at the head of the Epiſcopal Tories, who willingly concurred with him in the deſtruction of their enemies. Whenever king William turned to the ſide of the Whigs, the Tories were full of imaginary fears of his labouring the ruin of their Church. The ſame method was practiſed in the firſt years of queen Anne, becauſe the miniſtry was then compoſed of Whigs or moderate Tories. The ſame imaginary fear threw the Epiſcopalians, towards the concluſion of that reign, into the ſchemes of men who had viſibly no religion at all. In ſhort, on this very pretence, we lately ſaw in the reign of king George, a Popiſh pretender called in, to ſcreen the Church of England from the pretended attempts ſhe had to fear from the Whigs. It is therefore religion which gives power to the Tory party. It is certain, if the ſecret of intereſting the Church in the quarrel was not practiſed, the High-flyers would make a very contemptible figure, and the differences between the Whigs and moderate Tories would cauſe none of thoſe diſturbances in the kingdom, which have ſo long prevailed.

It is true, that among the Church-Tories, there are many who are very ſenſible of the artifices by which the whole party is ingaged in a quarrel, advantagious but to few. Of this number are thoſe I call Low-Church-men, among whom ſome poſſeſs the firſt dignities of the Church. But they are not the ſtrongeſt. The party of the rigid Churchmen is much more numerous. This laſt branch conſiſts of almoſt all the inferior clergy, of ſome biſhops, of both univerſities, particularly that of Oxford, and theſe bodies draw after them great numbers of the laity. It is theſe that compoſe what is called in England, High-Church, that is, a church which has no mixture of Preſbyterianiſm. Theſe men are ſo attached to the leaſt ceremony of the Church of England, that they would not relax upon any thing whatſoever, and by this ſtiff-

ſtiffneſs, they diſcover more of the ſpirit of party than of zeal for religion. I will even venture to ſay, that many of them would rather chuſe to ſee England under the Preſbyterianiſm. Now, as the Low-Church [illegible] moderate in their ſentiments, look upon [illegible] an eſſential point, it is not ſurprizing that the Tories unite when the growth of Whiggiſm is to be oppoſed, which has all the Preſbyterians in its party. It is perhaps an artifice of the State-Tories, to have given, or at least to continue with ſo much care, the name of Tories to the Epiſcopalians, in order to confound in the ſame party, intereſts of a different nature, becauſe this concluſion is very ſerviceable to them.

The Papiſts are likewiſe conſidered as a branch of the Tories, becauſe they always remain attached to that party. As they can never hope to ſee Popery eſtabliſhed but by means of an abſolute king, it is not ſtrange that they rank themſelves with the High-flyers. Indeed, this aſſiſtance would not be very conſiderable to the Tories, if confined to the Engliſh Papiſts, ſince enjoying neither places nor votes in elections, they cannot have much credit. But this admiſſion of Papiſts, engages likewiſe foreign powers in the Tory intereſt, who can on certain occaſions be very ſerviceable. Nevertheleſs, it cannot be denied, that by this the Tories give their enemies great advantage againſt them, who uſe this pretence to render them odious.

If the leaders of the Tory-party aimed only at maintaining the prerogatives of the king, and the rights of the Church, it may be affirmed, that party would be invincible, becauſe that is the true intereſt of the kingdom. But as it ſometimes happens, that theſe are only pretences to cover other projects, leſs agreeable to the good of the ſtate, when once their deſigns are diſcovered, their friends generally draw off, a diviſion of the Tory-members being a neceſſary conſequence of ſuch diſcovery. This makes me think that it is almoſt impoſſible they ſhould ever ſucceed in ſettling the pretender on the throne, or inveſting any king whatſoever with abſolute power. This opinion is founded upon its not being the intereſt or deſire of the nation in general. And hence it is, that they ſo firmly eſpouſe the intereſts of France, becauſe they are very ſenſible they want her aſſiſtance. It was ſeen in the laſt war that the ill ſucceſſes of that crown were terrible mortifications to them; and therefore they endeavoured, as much as poſſible, to leſſen them. Accordingly, when they were at the helm, their firſt care was to cure the wounds France had received. However, it is very difficult for France

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to put them in poſſeſſion of their wiſhes. Great-Britain is an Iſland which can hardly be attacked unawares; and which, while there is a good underſtanding between the king and the parliament, can ſend out fleets which France is not in condition to oppoſe.

The High-flyers are therefore to be conſidered as a party, to which the junctures of the time are not at all favourable, and conſequently it ſhould be their intereſt to remain in a ſtate of inaction, till time ſhould produce ſome opportunity to exert themſelves. But to be quiet is no part of their character. They cannot poſſibly be eaſy, while they ſee themſelves excluded from all places of honour and profit, which probably are the ſprings of their motions. It is however certain, that the diſturbances raiſed by them from time to time, to very little purpoſe, are attended with great injury to themſelves, as well as to all the Tories in general, who are always charged with the faults and paſſions of thoſe who are looked upon as their leaders. This very conſideration induces ſome to deſert their party.

As to the three other branches of the Tories, namely, the moderate, the rigid, and the low, it would be folly in the Whigs to think of their ruin by violent methods. This could not be effected without over-turning the kingdom. They may indeed exclude them from public poſts and employments. But ſhould they be ſo imprudent as to meddle with the Church of England, they would run the hazard of raiſing a ſtorm, which might coſt them the ſuperiority they at preſent enjoy. Therefore it is the intereſt of the Whigs to leave the Church unmoleſted, and their conduct ſhows they are perfectly convinced of this truth. Though they have lately had frequent provocations, it is not ſeen, that now they are in power, they ſeek to be revenged upon the Epiſcopal party. On the contrary, their grand aim is to divide that party, if poſſible, from the reſt of the Tories, by convincing them, that they bear no ill-will to the Church. If they could ſucceed, their victory over the High-flyers would be certain. But theſe laſt, ſenſible of the prejudice which this conduct does them, endeavour to prevent its effects by always engaging the Church in their quarrel, and inſpiring the people with continual fears of the deſigns of the Whigs againſt the Church.

Having ſhown the views, ſtrength, and intereſt of the Tory-party, I am next to ſpeak of the four branches of the Whigs. As to the Republican-Whigs, they are at preſent very inconſiderable, and their party daily diminiſhes. There

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is not the leaſt probability of [illegible] finding [illegible] an opportunity like that during the [illegible] I's reign.

I have already obſerved, that [illegible] between the moderate Whigs and [illegible] that the latter are more inclined to the [illegible] and the former to the privileges of the ſubject. [illegible] not their union when the ſtate is in [illegible] moderate Tories not Epiſcopalians, and [illegible] Whigs fewer Preſbyterians among them [illegible] that theſe two branches of Whigs and Tories would remain for ever united, as they ſeem to be ſince the death of king William. But when I ſay that the one incline more to the king, and the others to the ſubject, I ſpeak the truth, and not what they ſay themſelves. The two parties affirm, on the contrary, they have no other aim, than the preſervation of the government as eſtabliſhed many ages. So to hear them, you would think they form, and always have formed one and the ſame party. It is, however, but too true, that their different inclination frequently obliges them to divide, though it is to be preſumed, their intentions are equally good, and that they differ only in the means they employ. The one perhaps are too jealous of the increaſe of the royal prerogative, and the others fear it not enough. But it is religion which chiefly makes them to be conſidered as different parties, becauſe the one is compoſed wholly of Epiſcopalians, and the other has a great mixture of Preſbyterians. Now to ſeparate the intereſts of the Church from thoſe of the ſtate, requires abſtractions of which all are not capable. Nevertheleſs it may be affirmed, that the branch of the moderate Whigs conſidered ſeparately, and in itſelf, is not leſs powerful than that of the moderate Tories. But when both join together, they form a party which would be reſiſtleſs, if religion were out of the queſtion. The great buſineſs therefore of the moderate Whigs is to aſſiſt the people as much as poſſible, to diſcern the intereſts of the Church from thoſe of the ſtate; for which purpoſe they are to treat the Epiſcopalians with great moderation. Nor ought they to be leſs careful how they liſten to the Republican-Whigs, for fear of alarming the moderate Tories, of whom they have frequent occaſion. But on the other hand, nothing ought to be neglected by them for breaking the meaſures of the High-flyers, who are their real enemies. Such is the courſe they muſt take to preſerve their credit.

I proceed now to the Church-Whigs, who are divided into two branches, of which the firſt is of the rigid Preſbyterians, who abſolutely reject not only the Hierarchy, but moreover every ceremony practiſed in the Church of England. Their number is very great in England, but they are ſtill more conſiderable by having all Scotland for them. They are continually labouring the propagation of Preſbyterianiſm, and, on ſome occaſions, the leading Whigs, to content them, are obliged to take ſome ſteps prejudicial to the whole party. It is eaſy to conceive that the intereſt of the rigid Preſbyterians requires an innovation in the eſtabliſhed religion, becauſe it can only be by ſome great revolution that their own can come to be uppermoſt. Wherefore they are conſidered as dangerous men, and very unfit to head the Whig-party, who in all appearance, would be ill conducted by ſuch leaders.

Laſtly, There is another branch of the Church-Whigs, which includes the moderate Preſbyterians, and to which may be added all the reſt of the Non-conformiſts, as Quakers, Anabaptiſts, &c. who find more ſupport from the Whigs than from the Tories, though their junction adds no great ſtrength to the party. The moderate Preſbyterians, leſs ſcrupulous, leſs paſſionate, and leſs obſtinate than the rigid, make no difficulty to join the aſſembles of the eſtabliſhed Church, and even to communicate therein when their intereſt requires it. If it were left to their choice, Preſbyterianiſm would be the reigning religion. But they do not think it prudent to labour to make it ſo by violent methods. They know, it would be an infallible means to unite all the Tories againſt them; whereas it is the intereſt of all the Whigs to keep them divided, by continually inſiſting upon the diſtinction between State and Church-Tories, and ſhowing that they have no ill deſigns againſt the latter. Theſe are doubtleſs, the moſt dangerous enemies of the High-flyers and rigid Tories, becauſe by their moderate conduct they deprive them of the pretence to complain that the Church is in danger. Theſe were aimed at by the Tories in their act, towards the concluſion of queen Anne's reign, againſt occaſional conformity. As few are acquainted with the nature of this act, I ſhall briefly explain it.

In the reign of Charles II, an act was made called the Conformity Act, whereby any perſon admitted to any public office was to bring a certificate of his having received the ſacrament in the Church of England. The intent of this act was to exclude all Non-conformiſts from places of any

kind. Indeed, it produced this effect with regard to the rigid Preſbyterians, who could not receive even the communion from the hands of a biſhop [illegible] of the Epiſcopal church. But the moderate Preſbyterians were not ſo ſcrupulous. On their admiſſion to employments, they ſcrupled not to receive the communion in an Epiſcopal church, and to take the proper certificates. It was not poſſible for the Tories to add any explication to this act, during the reign of king James, who, on the contrary, granted an univerſal liberty of conſcience; nor in the life-time of king William, or the firſt years of Queen Anne. But having the power in their hands, at the concluſion of her reign, they were not contented with reviving this act, but added to it a clauſe to prevent occaſional conformity, or the communicating in the Church of England on account of ſome employment. This excluded not only the rigid, but alſo the moderate Preſbyterians, from all public offices: For by this act, which is ſtill in force, to communicate once in an Epiſcopal church, is not a ſufficient qualification for a place, as before, but a man muſt ſhow that he is really a member of the Church of England. If the Whigs, who at preſent prevail, dared to meddle with this act, it would ſoon be repealed. But for reaſons before intimated, very probably it will be ſuffered to ſubſiſt, and its violation only connived at.

The ſtrength of the two parties being ſuch as we have ſeen, and the intereſt of the ſeveral branches ſo oppoſite, it ſeems to me a natural conſequence, that the placing a Popiſh prince upon the throne, while the king and parliament are in union, and the rights of the Church are untouched, is a thing almoſt impoſſible. The people may from time to time be deluded by imaginary fears of the Church's danger. But this deluſion muſt quickly vaniſh, when it is ſeen that the Church is not really attacked. Now if religion is not concerned, that is, if the Epiſcopalians do not think themſelves under an abſolute neceſſity of trying all ways to ſave their Church from ruin, the endeavours in favour of the pretender, will prove ineffectual. As often as it ſhall be attempted to place him on the throne, the moderate State and Church-Tories will join the Whigs, and then that party will be too ſtrong for the High-flyers, though in matter of religion they ſhould be joined by all the rigid Tories, which however is not very likely. For it muſt not be imagined, becauſe a few rigid Tories make a great noiſe, that the whole branch wiſh to ſee a Popiſh prince on the throne. They are zealous for their Church, but their Church is Proteſtant, and this very zeal

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ſuffers them not to endanger their religion. It will be ſaid perhaps, that France will aſſiſt the High-flyers with all her forces. This is what I can hardly believe for reaſons I ſhall mention hereafter. But though France ſhould heartily engage in this undertaking, the execution would be difficult on account of the ſituation and naval power of England. Nothing but a ſurprize can produce the effect deſired by the High-flyers, Papiſts, and ſome rigid Tories. However, the attempt lately made, will probably induce the king and parliament to take good precautions againſt ſuch ſurprizes for the future.

There is ſtill another everlaſting obſtacle to the eſtabliſhment of a Popiſh prince, and that is, the poſſeſſion of ſome part of the lands of the monaſteries ſuppreſſed by Henry VIII, by almoſt every noted family in England. The anceſtors of the preſent poſſeſſors either received them in preſents from the king, or purchaſed them at an eaſy rate. If therefore a Popiſh prince ſhould now mount the throne, there is no doubt but he would try to eſtabliſh his religion. But ſhould his attempt prove ſucceſsful, in what danger would theſe eſtates be? In all probability the preſent owners would be diſpoſſeſſed. Nay, who knows whether they would not be called to account for the profits? It is therefore manifeſt, that the Tories and Whigs have an equal intereſt in the prevention of this danger. If the advocates for a Popiſh prince were to be ſtrictly examined, it would be found, without doubt, either they have no poſſeſſions of this kind, or believe they have particular reaſons to flatter themſelves with an exemption from the general law, or with being made amends ſome other way.

I am now to give a more diſtinct idea of the two parties of Whigs and Tories, by ſhowing their reſpective characters.

The Tories in general are fierce and haughty. The Whigs are treated by them with the utmoſt contempt, and even with rigour when they have the ſuperiority. As the Tory party is compoſed of Epiſcopalians, who properly make the body of the nation, they look upon themſelves as the prevailing party, and cannot bear an equality, much leſs a ſuperiority, in their adverſaries. I cannot better compare the behaviour of the Tories to the Whigs, than to that of the Roman Catholics to the Proteſtants in countries where the Papiſts have the advantage of number, and the ſupport of the government. It is with regret that the Tories allow the Preſbyterians liberty of conſcience. When the power is in

their hands, they ſeldom failed to prohibit their aſſemblies, and to exclude them from public employments by acts of parliament. The laſt years of queen Anne afforded flagrant inſtances of the haughtineſs of this party.

There is ſtill another character which belongs to them. They are exceeding paſſionate and precipitate in their motions. This often diſconcerts all their projects. When they have the reins in their hands, they drive with amazing rapidity. Very remarkable proofs of this were ſeen under Charles II, James II, and the late queen. Nevertheleſs it muſt be confeſſed, that this rapidity is not always the effect of an impetuous paſſion, but is ſometimes founded in policy. As the High-flyers, who are commonly at the head of the party, ſometimes project the alteration of the government, they are obliged to embrace, with great haſte, the opportunities which offer, becauſe theſe opportunities are naturally tranſient. For inſtance, under Charles II, it was neceſſary to put a ſpeedy ſtop to the progreſs of the Whigs, for fear the king, who was, with ſome difficulty, and for other intereſts than his own, engaged in the plot, ſhould alter his mind. Beſides, there was no time to loſe, becauſe it was well known that the Whigs were labouring with all their power to inform the people of the true deſigns of the court. So again, when James II. aſcended the throne, the preſumptive heir to the crown was his eldeſt daughter the princeſs of Orange, who was firmly attached to the Proteſtant religion. Wherefore as the king might die without ſons, all his projects would vaniſh by his death, if his work was not finiſhed during his life. It was neceſſary therefore to make haſte, becauſe the like opportunity would probably never offer again after his death. For the ſame reaſon, queen Anne being childleſs when ſhe put the miniſtry into the hands of the High-flyers, a peace was quickly to be concluded with France, and ſpeedy meaſures taken for ſecuring the crown to the pretender, leaſt her death ſhould prevent the execution of their projects, as it really happened. It was undoubtedly on this account that a peace was ſo haſtily concluded with Lewis XIV, becauſe his aſſiſtance was thought neceſſary to accompliſh the work. Probably, if the queen had lived a little longer, the act of ſucceſſion had been repealed. But this precipitation, which ſeems ſo neceſſary to the Tories, is, on the other hand, prejudicial to them, inaſmuch as it too ſoon diſcovers the deſigns of their leaders, which require a gradual execution. In order to ſucceed, they muſt have a long and peaceable reign,

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a king favourable to their deſigns, and of great ability, or at leaſt ready to be guided by their counſels.

Another character of the Tories is, their change of principles as their party prevails or is humbled. When they have the prince on their ſide, the doctrine of paſſive-obedience is ſupported with all their power, and every ordinance of the king is to be obeyed without examination, becauſe then, they would have the Whigs ſuffer themſelves to be oppreſſed without any reſiſtance. But, when the government is in the hands of the contrary party, this doctrine lies dormant or is forgotten. Thus, in all the Tory-writers, who have tranſmitted the troubles of the reign of Charles I, paſſive-obedience is eſtabliſhed as a principle certain and inconteſtable. This is owing to their intention of repreſenting the meaſures of the parliament for their own defence, and in oppoſition to the deſigns of the king, as a horrible rebellion. When the Preſbyterians were perſecuted in Charles II's reign, paſſive-obedience was every where talked of. But it was ſtill much worſe under James II. I remember to have heard from the pulpit, the conſequences of this doctrine carried as far, and perhaps farther than ever they were in France, under Lewis XIV. Great ſtreſs was laid upon a canon of a convocation of the Church of England, which imported, that arms taken up againſt the king by the ſubject, on any pretence whatſoever, is direct rebellion: That whether the ſubject be upon the offenſive or defenſive, he is clearly condemned by St. Paul, who ſays, 'he ſhall receive to himſelf 'damnation.' But the convocation, in which this canon was made, was held under archbiſhop Laud, when Charles I. governed in an abſolute manner, a little before the beginning of the troubles. But when king William was on the throne, the doctrine of paſſive-obedience was no longer inforced, becauſe that king was conſidered as no friend to the Tories. The caſe was the ſame under queen Anne, while the miniſtry was compoſed of Whigs, and moderate Tories. But the doctrine revived when that princeſs delivered herſelf up to the conduct of the High-flyers. But ſince king George has filled the throne, the High-flyers and rigid Tories plainly ſhow, this doctrine is only admitted by them when they have a prince of their party, but is rejected without any ſcruple when the government is not for them. For this purpoſe they have a diſtinction ready between a king 'de jure,' and a king 'de facto,' and maintain, that only the king 'de jure' has a title to this obedience, but ſuch is every king who favours

them, whether he is upon the throne, or has only pretenſions to it.

Let us now ſpeak of the character of the Whigs. Thoſe of this party who are rigid Preſbyterians, are a ſtubborn and obſtinate generation, who perhaps would be as proud and as paſſionate as the Tories, were they in poſſeſſion of power. But as, ſince the long parliament, the party has never been under their direction, it is not upon them that we are to form the general character of the Whigs, whereas that of the Tories is to be taken principally from the High-flyers and rigid Tories, who are their leaders and directors.

The heads of the Whig-party are much more moderate than the leaders of the Tories. Beſides, they proceed generally upon fixed principles, from which they never ſwerve, except when they are obliged to give ſome ſatisfaction to the Preſbyterians to keep them from deſponding. Far from deſiring, like the Tories, to carry things with a high hand, they advance gradually, without heat or violence. Their greateſt trouble is to curb the paſſion of ſome among them, who, were they unreſtrained, would quickly ruin the party. By this moderation, they try to inſinuate mildly into the people, that they have no ill deſigns againſt the Church of England, in order to ſeparate the Church-Tories from the High-flyers. As it is the intereſt of the Tories to confound all the branches of their party, and unite them into one body, to be directed by the leaders; ſo it is the buſineſs of the Whigs to have theſe ſeveral branches diſtinguiſhed, that the Epiſcopalians may be prevented from promoting the deſigns of the High-flyers. But they would never be able to gain this point, were they to uſe violence. Thus the gentleneſs and moderation of the Whigs is no leſs founded in policy, than the haſtineſs and precipitation of the Tories.

The Whigs are charged with being greedy of riches and honours, and ungrateful to their adherents, which makes their friends often forſake them. I can ſay nothing to this, not being ſufficiently informed of the particular concerns of the party. Beſides, the examination of this charge would lead me to conſider the conduct of thoſe who think themſelves ill uſed, which I would avoid, as contrary to my intent of confining myſelf to general ideas. However, it may be ſaid for the moderate Whigs, that generally they ſupport a good cauſe, namely, the conſtitution of the government as eſtabliſhed by law. They err indeed ſometimes through too much care and diſtruſt, which throws them now and then upon proceedings contrary to their true intereſt, and their

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own principles, ſince on certain occaſions they maintain the privileges of the nation and parliament, at the expence of the royal authority.

As to the eccleſiaſtical Whigs, who are no other than the Preſbyterians, all that can be ſaid of them, is, that they are extremely prejudiced againſt biſhops, and the whole hierarchy. Now the queſtion is, whether this prejudice be well grounded, or, being ſo, whether it affords juſt cauſe for ſeparation. For my part, I look upon this diſpute between the Epiſcopalians and Preſbyterians as of little conſequence. And therefore I cannot approve of the ſtiffneſs of the Preſbyterians, in a country where the reformation is eſtabliſhed according to the Church of England, ſince the two churches differ in no eſſential point. I ſay the ſame thing of the Epiſcopalians of Scotland, and perhaps in England itſelf, greater regard ſhould be had to the ſcruples of the Preſbyterians. But this is only my private opinion, which I do not pretend to give for a rule to the one or the other.

Before I proceed, it will be proper to obviate an objection which may naturally occur to the reader, namely, That every thing in England being done by way of parliaments, theſe unions above mentioned, whether of the branches of the ſame party, or of the branches of the two different parties, ſeem to no purpoſe, unleſs made in the parliament itſelf between the members. But ſo far are ſuch unions from taking place in the parliament, that one of the parties generally ſo prevails there, as to render the union of the reſt of the members entirely fruitleſs.

To this I anſwer, firſt, that the parliament, conſiſting of two houſes, whereof that of the lords remains always the ſame without any conſiderable change, theſe unions may take place in that houſe, whoſe principles are not ſo variable as thoſe of the commons. Now, as the upper-houſe has power to throw out the bills ſent up by the lower, it follows that the lords, by means of ſuch unions, may break the commons meaſures. Conſequently theſe unions may produce great effects.

Secondly, Theſe unions may influence the elections of members. For inſtance, on ſuſpicion that a Popiſh prince is intended to be ſet on the throne, the moderate Tories and Low-Churchmen may join with Whigs, and cauſe ſuch repreſentatives to be choſen as are againſt what is feared, and thereby break the meaſures of the High-flyers and rigid Tories.

Thirdly, Even in a houſe of commons conſiſting moſtly of Tory members, the moderate among them ſeeing ſome deſign in hand prejudicial to the nation may join with the Whigs, and hinder the execution of it. The moderate Whigs might alſo unite with the Tories if they ſaw the Republican party growing too ſtrong.

It muſt however be owned that party-ſpirit, the cabals of the leading men, the intrigues of the court, the intereſt of particular perſons, have but too much influence upon the debates of parliament. To ſay all in a word, the parliament is compoſed of men who are not free from paſſions. If the parliament were to anſwer the idea which thoſe conceive of it who are not thoroughly acquainted with its nature, it ſhould be compoſed of perfect men. But as that is impoſſible, it would be proper, at leaſt, to reform certain abuſes, for which hitherto no remedy has been found, or perhaps ſought. Though this leads me a little from my ſubject, I ſhall ſtay a moment and take the liberty to point out ſome of theſe abuſes. This may at leaſt ſerve to give a more extenſive knowledge of the Engliſh conſtitution, which, though excellent in its nature, is however liable to ſome imperfections.

The firſt abuſe lies in the too great influence of the court, in the elections of members, and conſequently in the reſolutions of the parliament. This influence is viſibly owing to the diviſion between the Whigs and Tories, which gives the king an advantage, he would doubtleſs not have, were all the people well united. When one of the parties gets into the miniſtry, the lieutenancies of the counties and all the court places are conferred on perſons devoted to them. After which, a new parliament is called. Then, beſides the money privately diſtributed by the miniſtry, if report is to be credited, thoſe that are in authority in the towns and counties, uſe all their intereſt and ſkill to get members choſen favourable to the court, that the miniſtry may have the ſuperiority of votes in the houſe of commons. We may judge of the effect of theſe intrigues by this ſingle conſideration, that commonly there is a Whig-parliament when the miniſtry is ſo, and a Tory-parliament when the miniſters are Tories. Nevertheleſs the thing is not ſo very certain, but that we find ſometimes moſt of the elections carried againſt the court. But this rarely happens, unleſs the nation in general is ſatisfied that the court has deſigns pernicious to the ſtate, or the liberties of the ſubject. I ſay nothing of our ſeeing, in the late reign, twelve peers created at once, with the ſole view

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of procuring the court a majority of votes in the houſe of lords. This is as palpable as well as a very dangerous abuſe.

Another abuſe lies, in many ſmall boroughs having a right to ſend repreſentatives to parliament, whoſe votes have the ſame weight with thoſe of the members of London and Weſtminſter, notwithſtanding the great diſproportion between the electors of the one and the other. In theſe inconſiderable boroughs, by the influence of the court, members are choſen that have not a foot of land near the place. It is pretended by ſome, that theſe boroughs have a right as ancient as the parliament itſelf, having enjoyed it ever ſince the time of the Anglo-Saxons. Others think it of much later date. But however, it is at preſent a monſtrous abuſe, that villages of four or five thatched houſes ſhould be upon the level in parliament with the largeſt cities of the kingdom.

A third abuſe there is of great importance, and which ought to be reformed, ſince it is in ſome meaſure contrary to Magna Charta, on which the Engliſh found their liberties and privileges. In this charter, king John promiſes in expreſs terms, for himſelf and ſucceſſors, to declare beforehand the cauſes of calling a parliament. As long as this cuſtom was obſerved, the points debated in parliament were not many, for which the members came prepared, and the ſeſſions laſted but a few days. If this was obſerved now, the boroughs and counties might give their repreſentatives inſtructions upon the affairs for which the parliament ſhould be called, or, at leaſt, might chuſe ſuch members as are of the ſame ſentiments with the electors. But at preſent, ſeveral abuſes ſpring from the non-obſervance of this method.

In the firſt place, the ſeſſions hold as long as the king pleaſes, and are ended when he thinks proper. Henry IV. improved this advantage, by keeping the parliament aſſembled, till the deſired ſubſidy was granted. In the next place, the electors, not knowing the buſineſs on which the parliament is to proceed, are forced to give their repreſentatives an unlimited power. Hence ariſes another abuſe, that the repreſentatives of a borough or county are often of a contrary opinion to thoſe that ſend them. It may therefore happen, nay, it has frequently happened, that the reſolves of the lower-houſe are directly oppoſite to the ſentiments of the people whom they repreſent. So it is not the people or commons of England that ſhare the legiſlative power with the king and peers, but their repreſentatives, who enjoy a privilege which belongs only to the people in general, to whom however they are not accountable for their conduct. All they

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can ſuffer, in caſe they have acted contrary to the ſenſe of their borough or county, is not to be choſen another time. This ſeems therefore to be lodging too great a power in bare repreſentatives. It was not ſo in France, when the States of that kingdom were convened. Every province drew up, before-hand, their particular inſtructions (a), from which their deputies were not allowed to ſwerve. In like manner, in important affairs to be debated by the States-general of the United Provinces, the deputies receive inſtructions from their provinces; and in the particular ſtates of each province, the magiſtrates of the towns give their orders and inſtructions to their deputities.

A fourth abuſe lies in the public canvaſſings at the time of elections, with great expence. It coſts ſome men ſeveral thouſands of pounds to be elected, and this openly in the face of all the world.

Laſtly, There is another ſort of abuſe in the houſe of commons, namely, that the members are allowed to go and come, or abſent themſelves as they pleaſe, except on certain great occaſions, ſo that of five hundred and thirteen members, (if I miſtake not) there are not preſent ſometimes above one hundred and fifty. This makes it much more eaſy for the parties to cabal, than if the houſe were full. Moreover many members, though in London, do not conſtantly attend the houſe, but keep away upon any the ſlighteſt affair of their own. This puts me in mind of a pleaſant ſtory, with which I ſhall cloſe this digreſſion. A Whig-member telling one of the ſame party in great anger, 'That if he had been at the 'houſe that morning, they ſhould have carried an important 'point.' The other calmly aſked him, 'By how many they loſt 'it? By one ſingle vote,' ſays he. The other replies, 'Had I been there, we ſhould have loſt it by four, for there 'would have been four Tories more, whom I have kept all 'this morning on purpoſe at a tavern.'

It remains only that I briefly ſpeak of the intereſts of the neighbouring ſtates, with regard to the Whigs and Tories. Though the differences between the two parties ſeem only to reſpect England, they have a great influence on the affairs of the other ſtates. The peace of Utrecht clearly ſhows of what conſequence they are to all Europe.

Every one knows, that the States-general of the United Provinces are friends of the Whigs, and very juſtly, ſince the Whigs have all along ſupported their intereſt in England.

(a) Called in French, Les Cahiers.

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The Whigs obliged Charles II. to make a peace with Holland, when he was in league with Lewis XIV. againſt her. From that time, they have ever conſidered the intereſt of the Dutch as their own. Accordingly, in their turn, they have received ſignal ſervices from them, particularly in the aſſiſtance given by the States-general to the prince of Orange, to go and break king James's meaſures. This good underſtanding is ſtill cultivated, ſo that the Dutch may be ſaid to be Whigs, and the Whigs to be Dutch. The reaſon of this union is evident. For France, perpetual enemy of Holland, ever ſupported the Tories; whence it follows, that Holland is obliged to ſtand by the Whigs, ſince ſhe cannot expect aſſiſtance from England, but by their means. This is ſo clear, that it needs no farther illuſtration.

For the ſame reaſon, the emperor, as ſovereign of the Netherlands, ought to be a friend to the Whigs. As he muſt look upon the king of France as a very formidable and dangerous neighbour, he can expect the aſſiſtance of the Engliſh, in caſe his dominions are invaded, but when the Whigs are in power. In all appearance, the Tories would not exert themſelves in the defence of the Netherlands againſt the invaſions of France. But, ſhould the emperor, through exceſſive zeal for his religion, lend his forces to the pretender to aſcend the throne of England, he would only render France ſtill more powerful, and add to the balance of Europe a weight, which would make it entirely incline to one ſide.

The intereſts of France, with regard to the Whigs and Tories, afford matter for many more obſervations. In general, it is doubtleſs the intereſt of that crown to cultivate a good underſtanding with England. Since the growth of the houſe of Auſtria, that is, ſince about two hundred years, England has ever had it in her power to incline the balance either on the ſide of Auſtria, or on the ſide of France, as ſhe pleaſed. But it has been her ſtanding intereſt to keep the balance even between theſe two powers. This has been the hinge on which all the policy of the kings of England has turned, for two centuries. Henry the Eighth's varying ſometimes from this courſe, is to be aſcribed wholly to the private intereſts of cardinal Wolſey his prime miniſter, or to his own caprice. So it was ever the intereſt of France to keep fair with England. Accordingly Lewis XIV. has politickly endeavoured theſe fifty years, either to get England on his ſide, or, at leaſt, to prevent her from eſpouſing that of his enemies. But as it was not eaſy for that monarch to perſuade

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the Engliſh, that to incline the balance to his ſide was for their advantage, he confined his endeavours to hinder them from concerning themſelves in the affairs of Europe, to the end he might proceed without any oppoſition from them. But it muſt be obſerved, that this policy [illegible] deſigns of enſlaving all Europe. Otherwiſe, he would have had no need to trouble himſelf about the Engliſh. To let this matter in a clearer light, it will not be amiſs to ſhew briefly how this monarch managed with regard to England.

Lewis XIV, as every one knows, formed the project of an univerſal monarchy in Europe. As he was not ignorant that England was concerned to keep the balance of Europe even, and that the Engliſh conſidered this maxim as the chief foundation of their ſecurity, he was juſtly apprehenſive of their oppoſing the execution of his deſigns. For prevention of which, he uſed all his addreſs to gain Charles II. to his intereſt, when he had reſolved upon a war with Holland in 1672. The miniſtry being Tory, he drew Charles, by their means, into a league with him. But this league was of no long continuance. It was ſo evidently againſt the intereſt of England, that the parliament obliged the king to make peace with Holland. Nay, they would have conſtrained him to declare againſt France, if the proſpect of an approaching peace between that crown and the States-general, had not hindered them from going ſo far.

The peace of Nimeguen, concluded in 1678, cauſed not the king of France to diſcontinue the proſecution of his grand deſigns. But as he was very ſenſible, king Charles would not have it in his power to follow his own inclination, he reſolved to take another method, in order to diſable England at leaſt from interpoſing in the affairs of Europe. And that was to raiſe troubles in the kingdom, and then to foment them, that the Engliſh might be employed at home. The duke of York's plots, the king his brother's eaſineſs to be guided by his counſels, the choice of paſſionate and perhaps corrupt miniſters, proceeded, in all appearance, from Lewis's ſecret practices in England. This method ſucceeded to his wiſh. The conſpiracy diſcovered by Titus Oates, the pretended Proteſtant-plot, the perſecution of the Preſbyterians, the people's murmurs, the diſcord between the king and the parliament, found the Engliſh ſo much employment at home, that it was not poſſible for them to look abroad. In the mean time, Lewis XIV. was rendering himſelf formidable to all Europe, having nothing to fear from the Engliſh, who remained

remained idle, when they ſhould have uſed their utmoſt endeavours to put a ſtop to his progreſs.

Upon the acceſſion of James II. to the throne, Lewis gave not over a method that had proved ſo ſucceſsful. On the contrary, he preſſed the new king of England to execute the projects he had formed when duke of York, in favour of Popery and arbitrary power. He knew theſe two points were ſufficient to keep England long employed; however, as his aim was only to embroil the nation, he never aſſiſted king James to any purpoſe. The too ſudden execution of that prince's deſigns was not for his intereſt. When he ſaw him on the point of being attacked by the prince of Orange he never ſtirred in his defence, but rather made uſe of the juncture to carry war into Germany. He imagined that the troubles he had raiſed in England, would long diſable that kingdom from oppoſing his ambitious deſigns. This was the ſole end of all his proceedings. Afterwards, when king William proclaimed war againſt him, he ſent king James into Ireland with ſeven thouſand men, an aid too weak to reſtore him to his throne, but ſufficient to make a diverſion, and feed the hopes of the male-contents. Thus is demonſtrable from Lewis's whole conduct, that his ſole intention was to embroil England, and that king James was the dupe of his policy. It ſeems however at firſt ſight, that king James's reſtoration would have been for Lewis's advantage. But moſt aſſuredly it was againſt his intereſt for a king of England to be at peace in his dominions. The reaſon is plain; as it is the intereſt of England to keep the balance even in Europe, Lewis, who had formed vaſt projects, would have been in danger of being oppoſed by a king of England, who having no diſtractions at home, might in the end purſue his true intereſts, or be forced to it by his parliament. And therefore Lewis XIV. has been ſatisfied to keep England embroiled, and for that purpoſe, to hold ſecret correſpondence with the leading Tories, who at length have diſcovered themſelves in the laſt years of queen Anne.

It ſeems therefore to be the French king's intereſt to preſerve a good underſtanding with the Tories, in order, by their means, to foment the troubles in England. This is ſtrictly true, when he forms deſigns againſt the reſt of Europe. But if he aims to live in peace, and ſtand upon his defence, in caſe of invaſion, nothing can be more for his advantage than to cultivate the king of England's friendſhip, according to the conſtant maxim of Lewis's predeceſſors, whether the miniſtry be Whig or Tory. France may now be

be ſaid to be invincible, as long as England declares not againſt her. But if the king of England is provoked, and enters into a new alliance with Holland and Germany, the laſt war's experience ſhows that France is very far from being invincible. It may therefore be allowed, that the illuſtrious prince (b) now at the helm of the French affairs, intends not to purſue the vaſt deſigns of Lewis XIV; it is not his intereſt to cheriſh the troubles of England, which, inſtead of being for his advantage, may greatly turn to his prejudice (c). I confeſs, in the indirect aſſiſtance given to the pretender in France, the regent's proceedings ſeem to deſtroy the maxim I mean to advance. Time will unfold, perhaps, the myſtery of this policy. But in the mean while, I cannot forbear thinking that he is miſinformed of the true ſtate of the two parties in England, and has given too much credit to intereſted and prejudiced perſons. Perhaps, the pretender himſelf has been deceived in the ſame manner.

I have but one obſervation more to make, with which I ſhall conclude what I have to ſay concerning the Whigs and Tories. In ſpeaking of their ſeveral views, intereſts and characters, I pretend not include every particular perſon of either party, but only their leaders and managers, with ſome of the moſt active of both ſides. Though the people in general, by inclination, or intereſt, are either Whigs or Tories, it does not follow that every ſingle perſon acts in the views I have aſcribed to them. It is certain, moſt ſuffer themſelves to be led without knowing where it is intended to conduct them, or examining the courſe preſcribed them. Conſequently they are far from being concerned in the intrigues and cabals of their leaders. Such a one has liſted himſelf a Tory, as being attached to the Church of England, and afterwards, without knowing how, finds himſelf obliged to maintain the principles of the High-flyers and rigid Tories, though contrary to his inclination. There are thouſands of good Engliſhmen, without doubt, who grieve to ſee their country thus rent with diviſions, and would gladly embrace all expedients to put a ſtop to them. But it is not eaſy to obſerve a juſt neutrality, becauſe it is

(b) The duke of Orleans.

(c) It muſt be obſerved, that what Rapin ſays here of the intereſt of France, with regard to the Whigs and Tories, was written before the concluſion of the alliance between that crown, England, and Holland, ſigned January 4, 1717, this Diſſertation being finiſhed in February 1716.

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difficult to be without ambition and avarice. Thoſe who ſtand neuter, as I ſaid, are neither preferred nor truſted, by reaſon that one of the parties are always in power, and have nothing more at heart, than the advancing their friends, or ſome of their adverſaries. Conſequently there can be no poſts or offices for men, from whom the prevailing party can expect no manner of ſervice. Moreover, how can a man be neuter between two parties, each of whom repreſent their adverſaries as deſigning thoſe evils which are moſt apt to fill men with fears, I mean the deſtruction of the religion they profeſs, and the diſſolution of a government, which alone, in their opinion, can render ſubjects happy? A man muſt be very inſenſible, not to be moved with ſuch dangers, when convinced of their reality.

All Engliſhmen therefore are not to bear the blame of theſe unnatural diviſions, but only thoſe who cheriſh them for their own private intereſt. Who are they that would inveſt the king with abſolute power? Who are they that would debar free-born ſubjects of liberty of conſcience? Who are they, in a word, that labour to introduce Popery? Can it be ſaid that theſe are the views of every particular Tory? No, by no means. But they are the aims of the leaders, who, for their own ends, ſeduce the poor people, and make no ſcruple to involve them in the danger of a civil war.

It may be affirmed, that it is not the kingdom's intereſt for one of the parties to become ſo ſuperior as to meet with no oppoſition. Should it be the High-flyers, they would introduce arbitrary power. And if it were the moderate Tories, their biaſs to the prerogative of the crown, would at length enable the ſovereign to ſhake off the galling yoke of parliaments. Were it poſſible for the Papiſts to be ſuperior, England would ſoon loſe her religion and liberty. On the other hand, if the Republican-Whigs ſhould recover the advantage they have loſt, you would hear no more of the kingdom but the commonwealth of England, as in Cromwell's days. Laſtly, were the moderate Whigs to have the management, they would ſo guard againſt the incroachments of the regal power, that the ſovereign would be reduced to the condition of a doge of Venice.

As for the two parties with regard to religion, it is certain, if the Preſbyterians can ever act without controul, they will not be ſatisfied till the hierarchy of the Church of England be entirely demoliſhed. But then, if the rigid Epiſcopalians have nothing to ballance their power, the Preſbyterians muſt

expect

expect to be openly perſecuted. And who knows whether they will ſuffer them to enjoy a bare liberty of conſcience?

Aſſuredly the welfare of the kingdom conſiſts not in any of the ends propoſed by the leaders of both parties. The only way to reſtore peace and tranquility, would be to leave the government upon its ancient foot, and the Church as eſtabliſhed at the reformation. It would alſo be neceſſary to grant a toleration to the Preſbyterians, who are very numerous in the kingdom. If this way be not uſed, it will always be better for the ſtate that the people remain in diviſion, than if one of the parties ſhould acquire a ſuperiority, which would be more fatal to the public than the equality which cheriſhes diſcord. I do not ſee what can put an end to this ſort of civil war, but the prudence of a juſt and equitable ſovereign, moderate in his deſires and paſſions, a lover of the Proteſtant religion, and that makes the good and happineſs of his ſubject his ſole care and ſtudy. This is what may with reaſon be expected from the king who now fills the throne, ſince he poſſeſſes all thoſe virtues in an eminent degree. May Heaven proſper his deſigns, and may he live to ſee the happy effects of his pains and endeavours!

APPENDIX.

APPENDIX.

CONTAINING,

I. The Bill for Baſtardiſing *Edward* IV's Children, and ſettling the Crown on *Richard* III. and his Deſcendants.

II. The Proceedings of the Convention of 1653.

III. A Hiſtorical Abridgment of the Treaties from the Year 1648 to the Revolution, on which are founded the Rights and Pretenſions of the ſeveral Princes and States of *Europe*.

APPENDIX.

I. The Bill for ſettling the ſucceſſion of the crown on Richard III. and his deſcendants.

MR. Rapin (with moſt of our hiſtorians) has committed ſome miſtakes (particularly Vol. V. p. 148.) concerning the affair of baſtardiſing the iſſue of king Edward IV, for the correction of which, Sir Robert Cotton's tranſlation of the bill for excluding Edward's children, and ſettling the crown on Richard III, and his deſcendants, is here inſerted at large, with Prynne's Annotations. This extraordinary bill, though publiſhed near one hundred years ago, has not only not been copied, but hardly noticed by any Engliſh hiſtorian except Speed.

Anno primo RICHARDI Tertii.

In rotulo parliamenti tenti apud Weſtm. die Veneris viceſimo tertio die Januarii, anno regni regis Richardi Tertii primo, inter alia continentur, ut ſequitur.

Memorandum quod quædam billa exhibita fuit coram domino rege in parliamento prædicto in hæc verba.

WHEREAS late heretofore, that is to ſay, before the conſecration, coronation, and inthronization of our ſovereign lord king Richard III, a roll of parchment, containing in writing certain articles of the tenor underwritten, on the behalf, and in the name of the three eſtates of this realm of England, that is to ſay, of the lords ſpiritual and temporal, and of the commons by name, and other nobles and notable perſons of the commons in great multitude, was preſented and actually delivered unto our ſaid ſovereign

lord, the intent and effect expreſſed at large in the ſame roll, to the which roll, and to the conſiderations, and inſtant petition compriſed in the ſame, our ſaid ſovereign lord, for the public weal, and tranquility of this land, benignly aſſented.

Now, foraſmuch as neither the ſaid three eſtates, neither the ſaid perſons, which in their name preſented and delivered, as it is aforeſaid, the ſaid roll unto our ſaid ſovereign lord the king, were aſſembled in form of parliament; by reaſon whereof divers doubts, queſtions, and ambiguities, being moved and engendered in the minds of divers perſons as it is ſaid (a):

A petition preſented by ſeveral lords and commons out of parliament to Richard when duke of Glouceſter, declared as valid as tho' done in parliament.

Therefore, to the perpetual memory of the truth, and declaration of the ſame, be it ordained, provided, and eſtabliſhed in this preſent parliament, That the tenor of the ſaid roll, with all the contents of the ſame, preſented as is aboveſaid, and delivered to our aboveſaid ſovereign lord the king, in the name, and in the behalf, of the ſaid three eſtates out of parliament (b), be now by the ſaid three eſtates aſſembled in this preſent parliament, and by authority of the ſame, ratified, enrolled, recorded, approved, and authorized, to the removing of the occaſions of doubts and ambiguities, and to all other lawful effects that ſhall now thereof enſue; ſo that all things ſaid, affirmed, ſpecified, deſired, and remembered in the ſaid roll, and in the tenor of the ſame, under-written in the name of the ſaid three eſtates, to the effect expreſſed in the ſaid roll, be of the like effect, virtue, and force, as if all the ſame things had been ſo ſaid, affirmed, ſpecified, and remembered in full parliament, and by authority of the ſame accepted and approved: The tenor of the ſaid roll of parchment, whereof above is made mention, followeth, and is ſuch.

To the high and mighty prince Richard duke of Glouceſter.

The petition itſelf.

'Pleaſeth it your noble grace to underſtand the conſiderations, election, and petition under written, of us the lords

Mr. PRYNNE's NOTES.

(a) Things done and concluded without the three eſtates in parliament give little or no ſatisfaction to the people, though in the name of the parliament, and the three eſtates.

(b) The three eſtates muſt concur to make a parliament, elſe his title would neither be valid nor ſatisfactory, but ambiguous as before, no one or two of them being a full or real parliament, but all conjoined.

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ſpiritual and temporal, and commons of this realm of England, and thereunto agreeable, to give your aſſent to the common and public weal of this land, and to the comfort and gladneſs of all the people of the ſame (c).

Firſt, we conſider, how that heretofore in time paſt, this land for many years ſtood in great proſperity, honour, and tranquility; which was cauſed for ſo much as the kings reigning uſed and followed the advice and council of certain lords ſpiritual and temporal, and other perſons of approved ſageneſs, prudence, policy, and experience, dreading God, and having tender zeal and affection to indifferent adminiſtration of juſtice, and to the common and public weal of the land: Then our Lord God was dreaded, loved, and honoured; then within the land was peace and tranquility, and among the neighbours concord and charity; then the malice of outward enemies was mightily reſiſted and repreſſed; and the land honourably defended with many great and glorious victories; then the intercourſe of merchants was largely uſed and exerciſed; by which things above remembered, the land was greatly enriched, ſo that as well the merchants as the artificers, and other poor people, labouring for their living in divers occupations, had competent gain, to the ſatisfaction of them and their houſholds, living without miſerable and intolerable poverty. But afterwards, when as ſuch had the rule and governance of this land, delighting in adulation and flattery, and led by ſenſuality and concupiſcence, followed the counſel of perſons inſolent, vicious, and of inordinate avarice, deſpiſing the counſel of perſons good, virtuous, and prudent, ſuch as above be remembered; the proſperity of this land decreaſed daily, ſo that our felicity was turned into miſery, and our proſperity into adverſity, and the order of policy, and the laws of God and man confounded; whereby it is likely for this realm to fall into great miſery and deſolation, (which God defend) without due proviſion of convenable remedy be had in this behalf in all godly haſte.

Over this, among other things more ſpecial, we conſider how in the time of the reign of Edward IV. late deceaſed, after the ungracious pretended marriage (as all England hath cauſe to ſay) made betwixt the ſaid king Edward and Elizabeth, ſometimes wife to Sir John Gray, knight, late naming herſelf, and many years heretofore, queen of England, the

Wherein king Edward the Fourth's marriage with lady Gray is declared void.

(c) The new device of this bloody uſurper, to entitle himſelf to the crown of England, and take upon him the regal government.

order of politic rule was ſubverted, the laws of God, and of God's church, &c. alſo the laws of nature, and of England, and alſo the laudable cuſtoms and liberties of the ſame, wherein every Engliſhman is inheritor, was broke, ſubverted, and contemned, againſt all reaſon and juſtice (d); ſo that the land was ruled by ſelf-will and pleaſure, fear and dread, all manner of equity and law laid apart and deſpiſed; whereof enſued many inconveniencies and miſchiefs, as murders, extortions and oppreſſions, namely of poor and impotent people; ſo that no man was ſure of his life, land, or livelihood, nor of his wife, daughter, or ſervant, every good maiden and woman ſtanding in fear to be raviſhed and deflowered. And beſides this, what diſcords, inward battles, effuſion of Chriſtian men's blood, and namely, by the deſtruction of the nobles blood of this land, was had and committed within the ſame, is evident, and notorious through all this realm, unto the great ſorrow and heavineſs of all true Engliſhmen. And here alſo we conſider, how that the ſaid pretended marriage betwixt the above-named king Edward and Elizabeth Gray, was made of great preſumption, without the knowledge and aſſent of the lords of this land, and alſo by ſorcery and witchcraft committed by the ſaid Elizabeth, and her mother Jaquet, ducheſs of Bedford, as the common opinion of the people, and the public voice and fame is throughout all this land, and hereafter, if the cauſe ſhall require, ſhall be proved ſufficiently in time and place convenient. And here alſo we conſider, how that the ſaid pretended marriage was made privily and ſecretly, without edition of banns, in a private chamber, a prophane place, and not openly in the face of the church, after the laws of God's church, but contrary thereunto, and the laudable cuſtom of the Church of England; and how alſo at the time of the contract of the ſame pretended marriage, and before and long time after, the ſaid king Edward was and ſtood married, and troth-plight, to one dame Eleanor Butler, daughter to the earl of Shrewſbury, with whom the ſaid king Edward had made a pre-contract of matrimony, long time before he made the ſaid pretended marriage with the ſaid Elizabeth Gray, in manner and form aforeſaid *. Which premiſſes being true, as in very truth they be true, it appeareth and followeth evidently that the ſaid king Edward during his life, and the ſaid Elizabeth, lived together ſinfully and damnably in adultery, againſt the law

(d) Liberties and laws every Engliſhman's inheritance.

* The marriage-contract is by Rapin and other modern hiſtorians ſaid to be with Elizabeth Lucy inſtead of Elizabeth Butler. Tindal.

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of God and of his church; and therefore, no marvel that the ſovereign lord and head of the land being of ſuch ungodly diſpoſition, and provoking the ire and indignation of our Lord God, ſuch heinous miſchiefs and inconveniencies as are above remembered were uſed, and committed in the realm amongſt the ſubjects. Alſo it appeareth evidently, and followeth, that all the iſſue and children of the ſaid king Edward, be baſtards, and unable to inherit, or claim any thing by inheritance by the law, and cuſtom of England. And his children illegitimate.

Moreover, we conſider how that afterwards by the three eſtates of this realm aſſembled in parliament, holden at Weſtminſter, anno 17, of the reign of the ſaid king Edward IV, he then being in poſſeſſion of the crown and royal eſtate, by act made in the ſame parliament, George duke of Clarence, brother to the king Edward now deceaſed, was convicted, and attainted of high treaſon, as in the ſaid act is contained more at large; becauſe, and by reaſon whereof, all the iſſue of the ſaid George was, and is diſabled, and barred of all right and claim, that in any caſe they might have, or challenge by inheritance, to the crown and dignity royal of this realm, by the ancient laws and cuſtoms of this ſame realm. The duke of Clarence attainted by parliament. His iſſue thereby not inheritable, but uncapable to claim the crown.

Over this, we conſider, that you be the undoubted heir of Richard duke of York, very inheritor of the ſaid crown and dignity royal, and as in right king of England by way of inheritance; and that at this time the premiſſes duly conſidered, there is none other perſon living but you only that may claim the ſaid crown and dignity royal, by way of inheritance, and how that you be born within this land; by reaſon whereof, as we deem in our minds, you be more naturally inclined to the proſperity and commonweal of the ſame; and all the three eſtates of the land have, and may have more certain knowledge, of your birth and filiation aforeſaid. We conſider alſo the great wit, prudence, juſtice, princely courage, and the memorable and laudable acts in divers battles, which as we by experience know you heretofore have done, for the defence and ſalvation of this realm, and alſo the great nobleneſs and excellency of your birth and blood, as of him that is deſcended of the three moſt royal houſes of Chriſtendom; that is to ſay, England, France, and Spain (e): Wherefore theſe premiſſes duly by us conſidered, we deſiring effectually the peace, tranquility, and weal public of this land, and the Richard III. declared undoubted heir thereto.

(e) His pretended virtues and word of his deſperate treaſons, fitneſs to reign as king; his va- regicides, murders, hypocriſy, four in battle; his honourable and other vices.
and royal birth; without one

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reduction of the ſame to the ancient honourable eſtate, and proſperity: And having in your great prudent juſtice, princely courage, and excellent virtue, ſingular confidence, have choſen by all that in us is, and by that our writing chooſe you high and mighty prince, our ſovereign lord (f), to whom we know of certain it appertaineth of inheritance ſo to be choſen (g). And hereupon we humbly deſire, pray, and require your moſt noble grace, that according to this election of us the three eſtates of your land, as by inheritance, you will accept and take upon you the ſaid crown and royal dignity, with all things thereunto annexed and appertaining, as to you of right belonging; as well by inheritance as by lawful election (h); and in caſe you ſo do, we promiſe to aſſiſt and ſerve your highneſs, as true and faithful ſubjects and liegemen, and to live and die with you in this matter, and every other juſt quarrel; for certainly we be determined rather to adventure and commit us to the peril of our lives and jeopardy of death, than to live in ſuch thraldom and bondage as we have done long time heretofore; oppreſſed and injured by extortions, and new impoſitions, againſt the law of God and man, and the liberties and old policy, and laws of this land, wherein every Engliſhman is inherited (i). Our Lord God, King of all Kings, by whoſe infinite goodneſs and eternal providence all things are principally governed in this world, lighten your ſoul, and grant you grace to do as well in this matter as in all others, that which may be according to his will and pleaſure, and to the common and public weal of this land. So that after great clouds, troubles, ſtorms and tempeſts, the ſun of juſtice and of grace may ſhine upon us, to the joy and comfort of all true hearted Engliſhmen (k).

His hereditary title to the crown by the law of God and nature.

Albeit that the right, title, and eſtate, which our ſovereign lord, king Richard III, hath to, and in the crown and royal dignity of this realm of England, with all things thereunto within the ſame realm, and without it annexed and appertain-

(f) His election by the three eſtates and this inſtrument, to be king of England.

(g) They make his hereditary title the ground of their choice.

(h) Their petition and importunity to him to accept of the crown, though himſelf moſt eagerly thirſted after it. And his hereditary right thereto ſeconded by their election.

(i) Their promiſe to aſſiſt, ſerve, and obey him, upon his acceptance thereof, as his ſubjects; and to live and die with him. And their pretended great thraldom, bondage, oppreſſions, &c. under his predeceſſors. Ibid.

(k) Their prayer for him; and their great trouble, ſtoned partly by himſelf. Ibid.

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ing, being juſt and lawful, as grounded upon the laws of God and nature, and alſo upon the ancient laws and laudable cuſtoms of this ſaid realm; and alſo taken and reputed as ſuch by all perſons, being learned in the aboveſaid laws and cuſtoms (l).

Yet nevertheleſs, foraſmuch as it is conſidered, that the moſt part of the people is not ſufficiently learned in the aboveſaid laws and cuſtoms, whereby the truth and right in this behalf of likelihood may be hid, and not clearly known to all the people, and thereupon put in doubt and queſtion: And over this, how that the court of parliament is of ſuch authority, and the people of this land is of ſuch a nature and diſpoſition as experience teacheth, that manifeſtation or declaration of any truth or right, made by the three eſtates of this realm aſſembled in parliament, and by authority of the ſame, maketh before all other things, moſt faith, and certain quieting of men's minds, and removeth the occaſion of doubts, and ſeditious language (m).

Therefore, at the requeſt, and by the aſſent of the three eſtates of this realm, that is to ſay, the lords ſpiritual and temporal, and commons of this land, aſſembled in this preſent parliament, and by authority of the ſame, be it pronounced, decreed and declared, that our ſaid ſovereign lord the king was, and is the very undoubted king of this realm of England, with all things thereunto within the ſame realm, and without it, united, annexed, and appertaining, as well by right of conſanguinity and inheritance, as by lawful election, conſecration, and coronation (n). The crown ſettled and entailed on him and the heirs of his body.

And over this, that at the requeſt, and by the aſſent and authority aboveſaid, be it ordained, enacted and eſtabliſhed, that the ſaid crown, and royal dignity of this realm, and the inheritance of the ſame, and all other things thereunto within this realm, or without it, united and annexed, and now ap- His ſon declared heir apparent.

(l) The lawyers flatter and approve his title. The common people ignorant in the laws. Prynne.

(m) The parliament's authority, with the people, when true, free, and real, conſiſting of the three eſtates. Its declaration quieteth all men's minds, removeth all doubts and ſeditions. Vide that conſiders 39 Hen. VI. [p. 294.] or 1 Ed. IV. [p. 314.] will ſcarce believe this for a truth, neither proved it ſo in his own caſe. The three eſtates muſt all concur to make a parliament, and valid election.

(n) They decree and declare him the undoubted king of this realm, by inheritance and their lawful election coupled together.

per-

pertaining, reſt and abide in the perſon of our ſaid ſovereign lord the king, during his life, and after his deceaſe in his heirs of his body begotten, in eſpecial at the requeſt, and by aſſent, and the authority aforeſaid, be it ordained, enacted, eſtabliſhed, pronounced, decreed and declared, that the high and excellent prince Edward, ſon of our ſaid lord the king, be heir apparent of the ſame our ſovereign lord the king, to ſucceed to him in the aboveſaid crown and royal dignity, with all things (as is aforeſaid) thereunto united, annexed, and appertaining, to have them after the deceaſe of our ſaid ſovereign lord the king, to him, and to the heirs of his body lawfully begotten.'

'Quæ quidem billa communibus regni Angliæ in dicto 'parliamento exiſtentibus tranſportata fuit, cui quidem billæ 'idem communes aſſenſum ſuum præbuerunt ſub hiis verbis:' A ceſte bille les communs ſont aſſentes; 'quibus quidem 'billa & aſſenſu coram domino rege in parliamento præ-'dictio, lectis, auditis, & plene intellectis, & de aſſenſu do-'minorum ſpiritualium & temporalium in dicto parliamento 'ſimiliter exiſtentium, & communitatis prædictæ; nec non 'authoritate ejuſdem parliamenti pronunciatum, decretum, '& declaratum exiſti, Omnia, & ſingula in billa prædicta 'contenta fore vera & indubita; ac idem dominus rex, de 'aſſenſu dictorum trium ſtatuum regni, & authoritate præ-'dicta, omnia & ſingula præmiſſa in billa prædicta contenta 'concedit, & ea pro vero & indubio pronunciat, decernit, & 'declarat (o).'

It is obſerved by the authors of the Parliamentary Hiſtory, Vol. II, that this parliament is not introduced in the abridgment of the records, or in the parliament roll, with that formality as moſt of or all the reſt are. There are no writs of ſummons, nor names of peers; no ſpeech from the throne or from the lord chancellor, declaring the cauſe of the meeting, nor any ſpeaker to the commons mentioned in it: Neither is there any notice taken of a tax or ſubſidy; though the tax is ſaid by hiſtorians to have been very grievous to the people (p).

There

(o) Here he creates and ratifies his own title.

(p) So far was this parliament from laying any burthenſome tax, that, among many wholeſome laws which ſtand unrepealed to this day, one was, 'That whereas the ſubjects of this realm had of late 'been burthened with a new 'impoſition, called, A Benevo-'lence, the ſame ſhould not 'thenceforth be exacted.' It was likewiſe enacted, 'That 'every

There is no wonder that the act of attainder againſt the earl of Richmond and his followers, is not to be found on record. Conqueſt and ſucceſſion to the crown ſoon after, gave him power enough not only to abrogate that act, but even to craſe it from the records. And the reaſon the roll is yet extant may be aſſigned to the policy of the conqueror, ſince it conveyed a blot on the houſe of York, by baſtardizing Edward's children.

'every juſtice of peace ſhall have 'power to admit a priſoner, arreſted for Felony, to bail; and 'that no officer ſhall ſeize the 'goods of a priſoner, arreſted 'for felony, till he be attainted.'

Another act was, 'That no perſon ſhall be impanneled upon 'juries, but who hath 20 ſhillings freehold, or 26 ſhillings and 8 pence copyhold at the 'leaſt.'

II. Concerning the Convention of 1653.

CROMWELL, on the 20th of April 1653, diſſolved the long parliament, which had rendered themſelves ſo famous at home and abroad; and, in conjunction with his council of officers, reſolved to ſummon a ſelect number of perſons in England, Scotland, and Ireland, to whom the ſupreme authority ſhould be delegated by an inſtrument ſigned and ſealed by himſelf and the officers, obliging themſelves to be obedient to their orders. Purſuant to this reſolution, about 140 perſons (five of whom were for Scotland, and ſix for Ireland) were ſummoned in the general's name only *, to meet at Whitehall the 4th of July 1653. Being aſſembled on the day appointed, Cromwell made a long ſpeech to them, ſhewing the cauſe of their ſummons, and that 'they had a clear call to take upon them the ſupreme authority of the commonwealth.' Then he produced an inſtrument under his own hand and ſeal, whereby he did, with the advice of his officers, devolve and intruſt the ſupreme authority and government of the commonwealth into their hands, any forty of whom were to be deemed the ſupreme authority; but not to ſit longer than the 3d of November 1654; and, three months before their diſſolution, they were to chuſe their ſucceſſors, who were to ſit but one year, and ſo on.

* See the ſummons, Vol. XI. p. 70. note (t).

This extraordinary convention having choſen Francis Rouſe for their Speaker, by calling him to the chair; and Mr. Scobel for their clerk, they voted themſelves to be the par-

parliament of the common wealth of England, and publiſhed a declaration, 'That as they were ſummoned and required 'to take upon them the ſupreme government of England, 'Scotland, and Ireland, they had judged it meet, for the 'peace and ſafety of theſe nations, to undergo that great 'burden—That they ſhould endeavour to demean themſelves in all things as becomes thoſe who are ſet by God for 'the good of all, and to be as tender of the lives, eſtates, 'liberties, juſt rights, and properties of all others, as they 'were of themſelves and their poſterities, whom they expected ſtill to be governed by ſucceſſive parliaments.

This done, they appointed ſeveral committees, and amongſt theſe were, 1. For correcting the grievances of the law. 2. For the buſineſs of tythes. 3. For trade and corporations. 4. For regulating the commiſſions of the peace. 5. For priſons and priſoners. 6. For advancement of learning, and receiving all propoſitions tending thereto (q).

Having voted that all petitions ſhould be preſented by ſome member, they ordered Mr. Scobel, their clerk, to publiſh a liſt of their names, that it might be known who were the repreſentatives of the nation, which, by the private manner of their ſummons, did not appear.

The liſt was as follows:

BEDFORDSHIRE.

Nathaniel Taylor,
Edward Cater.

BERKSHIRE.

Samuel Dunch,
Vincent Goddard,
Thomas Wood.

BUCKINGHAMSHIRE.

George Fleetwood,
George Baldwin.

CAMBRIDGESHIRE.

John Sadler,
Thomas French,
Robert Caſtle,
Samuel Warner.

CHESHIRE.

Col. Robert Duckenfield.
Henry Berkhead.

CORNWALL.

Col. Robert Bennet,
Francis Langdon,
Anthony Rous,
John Bawden.

CUMBERLAND.

Col. Robert Fenwick.

(q) This ſeems to vindicate them from the aſperſion of being enemies to learning, and deſpiſers thereof.

DER-

DERBYSHIRE.

Jervaſe Bennet,
Col. Nathaniel Barton.

DEVONSHIRE.

George Monck, one of the generals at ſea,
John Carew,
Major Thomas Saunders,
Chriſtopher Martin,
James Eriſey,
Francis Rouſe, Speaker (r),
Richard Sweet.

DORSETSHIRE.

Col. William Sydenham,
Col. John Bingham.

DURHAM.

Henry Daviſon.

ESSEX.

Col. Joachim Matthews,
Henry Barrington,
John Brewſter,
Chriſtopher Earl,
Dudley Templer.

GLOUCESTERSHIRE.

John Croſts,
William Neaſt,
Robert Holmes,

HEREFORDSHIRE.

Wroth Rogers,
John Herring.

HERTFORDSHIRE.

Col. Henry Laurence,
William Reeve.

HUNTINGDONSHIRE.

Col. Edward Montagu,
Stephen Pheaſant.

KENT.

Lord viſcount Liſle,
Col. Thomas Blount,
Col. William Kenrick,
William Cullen,
Andrew Broughton.

LANCASHIRE.

Col. William Weſt.
John Sawrey,
Robert Cunliffe.

LEICESTERSHIRE.

Col. Henry Danvers,
Edward Smith,
John Pratt.

LINCOLNSHIRE.

Sir William Brownlow,
Richard Cuſt,
Barnaby Bowtell,
Humphry Walcot,
William Thompſon.

MIDDLESEX.

Sir William Roberts,
Auguſtine Wingfield,
Arthur Squibb.

(r) Provoſt of Eaton College, and member for Truro in the late parliament. He publiſhed a tranſlation of the Pſalms.

Lon-

London.

Ald. Robert Titchburne,
Ald. John Ireton,
Samuel Moyer,
John Langley,
Capt. John Stone,
Henry Barton,
Praiſe-God Barbone.

MONMOUTHSHIRE.

Col. Philip Jones.

NORFOLK.

Robert Jermy,
Tobias Frere,
Ralph Wolmer,
Henry King,
William Burton.

NORTHAMPTONSHIRE.

Sir Gilbert Pickering, Bt.
Thomas Brooke.

NORTHUMBERLAND.

Henry Ogle.

NOTTINGHAMSHIRE.

John Odinſels,
Edward Cludd.

OXFORDSHIRE.

Sir Charles Wolſeſey,
William Draper,
Dr. Jonathan Goddard.

RUTLANDSHIRE.

Major Edward Horſeman.

SHROPSHIRE.

William Bottrell,
Thomas Baker.

SOMERSETSHIRE.

Robert Blake, one of the generals at ſea,
Col. John Pine,
Dennis Holliſter,
Henry Henley.

SOUTHAMPTONSHIRE.

Col. Richard Norton,
Richard Major,
John Hildeſley.

STAFFORDSHIRE.

George Bellot,
John Chetwood.

SUFFOLK.

Jacob Caley,
Francis Brewſter,
Robert Dunkon,
Col. John Clark.
Edward Plumſtead.

SURREY.

Samuel Highland,
Lawrence March.

SUSSEX.

Anthony Stapeley,
William Spence,
Nathaniel Studeley.

WARWICKSHIRE.

John St. Nicholas,
Richard Lucy.

WESTMORELAND,

Col. Charles Howard.

WILTSHIRE.

Sir Anthony Aſhley Cooper, Ni-

Nicholas Green,
Thomas Eyre.

WORCESTERSHIRE.

Major Richard Salway,
Col. John James.

YORKSHIRE.

George lord Eure,
Walter Strickland,
Francis Laſcelles,
John Anlaby,
Thomas Dickenſon,
Thomas St. Nicholas.
Roger Coats,
Edward Gill.

WALES.

Buſſy Manſell,
James Philips,
John Williams,
Hugh Courtency,
Richard Price,
John Brown.

SCOTLAND.

Sir John Hope, of Hopton,
Alexander Brodie,
John Swinton,
William Lockhart,
Alexander Jeffrys.

IRELAND.

Sir Robert King,
Col. John Hewſon,
Col. Henry Cromwell,
Col. John Clark,
Col. Daniel Hutchinſon,
Vincent Gookin.

The characters of theſe perſons are variouſly repreſented by the hiſtorians of thoſe times. By the lord Clarendon, and other cotemporaries, and by our modern hiſtorians, who implicitly copy their invectives and miſtakes, they are ſtyled (except a few gentlemen) illiterate, fooliſh, low mechanics, fanatics, the dregs of the human ſpecies, enthuſiaſts, and are ſaid to be enemies to the clergy, and to look upon the function itſelf as Anti-chriſtian, and the payment of tythes as abſolute Judaiſm; to deem learning unneceſſary and heatheniſh; and to intend to abrogate the law and eſtabliſh the Moſaical inſtitution. And as to their proceedings, they are paſſed over with the utmoſt neglect. It is ſaid, that they never entered upon any grave and ſerious debate that might tend to any ſettlement; and Rapin himſelf, with the other moderns, falls into the ſame error, affirming, 'that this 'ridiculous aſſembly, in above a five-months ſeſſion, did nothing remarkable. Nor have hiſtorians mentioned ſcarce any thing more than their meeting and diſſolution.

On the contrary, Whitlock ſays, that many of this aſſembly were perſons of fortune and knowledge. And Ludlow remarks, 'that this aſſembly being compoſed, for the 'moſt part, of honeſt and well-meaning perſons, who 'thought themſelves in full poſſeſſion of the power and authority

'thority of the nation, and therefore proceeded to the 'making of laws relating to the public.'

Theſe are the different characters and repreſentations of this convention: And as by the laws they made, and the bills they were employed about at the time of their diſſolution, it will beſt appear whether they do or do not deſerve all that ignominy which hath been thrown upon them, an account of ſome of their proceedings ſhall be laid before the reader, as taken from their journals (which are printed with the ſame exactneſs as any of the preceding legal parliaments) and from other authorities of the times (f).

Act for the relief of creditors and debtors.

Upon a petition from inſolvent debtors within the ſeveral tyrannical dens of cruelty (the priſons and goals) an act was paſſed for the relief of creditors, and poor debtors, worthy of the beſt of times (t).

Having

(f) The journals were publiſhed to prevent falſe or imperfect accounts being obtruded upon the publick. Beſides theſe, was publiſhed 'An exact rela-'tion of the proceedings and 'tranſactions of the parliament 'which began July 4, 1653, 'by a member thereof.' See the Parliamentary Hiſtory, Vol. XX. p. 181.

(t) An abſtract of the moſt important clauſes of this act:

Seventeen commiſſioners were appointed to act as judges in the caſe of priſoners in the Upper Bench priſon, the Fleet, the Gatehouſe in Weſtminſter, the Counter in Surry, or priſon in White chapel; with power to examine, and determine in a ſummary way, concerning the cauſes of ſuch perſons impriſonment, their eſcapes and their eſtates; and to act as commiſſioners of bankrupts, who were to be allowed two-pence in the pound out of the money ariſing by the ſale of ſuch priſoners eſtates, for the charges of them and their clerks. A certain number of perſons were alſo appointed to act in the ſame capacity for each county in England and Wales, with an allowance of ſix-pence in the pound.

Priſoners not paying their debts in ſix months to be deemed bankrupts; and in caſe of ſettlement of any part of a priſoners eſtate in truſt for himſelf or any other perſon, after the debt contracted or judgment obtained, theſe commiſſioners were impowered to ſell the eſtate, and to fine any other perſon aiding or aſſiſting in ſuch fraud; and perſons not able to pay ſuch fine, were to be adjudged to the pillory or workhouſe.

Priſoners able to pay their debts, and refuſing ſo to do, were, if theſe commiſſioners thought fit, to be ordered to cloſe impriſonment: The eſtates of any perſon for whoſe debts another ſhould be impriſoned, were to be ſold as fully as the eſtate of the priſoner himſelf; and where a priſoner [illegible] an eſcape, his eſtate not being ſufficient to diſcharge [illegible] the

Having taken into conſideration the ſtate of the high court of chancery, it was reſolved, after a two days debate, 'That the court of chancery ſhould be taken away, and that 'the committee of law ſhould conſider how the cauſes now 'depending in chancery might be determined, and likewiſe 'a proviſion made for the deciding matters of equity for the 'future within the juriſdiction of that court (a).

The court of chancery voted down.

Not

the goaler and his ſecurity were, to make good the deficiency: But in caſe of priſoners, againſt whom there had not been any declarations filed, theſe commiſſioners were to diſcharge them, and to give them damages for ſuch vexatious impriſonment.

In order to prevent priſoners, unable to pay their debts or fines, from periſhing in priſon, through the cruelty or obſtinacy of any obdurate creditor, theſe commiſſioners were impowered to diſcharge, abate, or give reſpite of time to any ſuch priſoner, according as the circumſtances of the caſe might require; and to remove to the workhouſe or houſe of correction, any obſtinate priſoner, who ſhould be found to lye in priſon through his own wilful default; or to have run in debt by a vicious courſe of life. They were alſo authorized to examine into the caſe of perſons who had fraudulently got out of goal by means of former acts for relief of inſolvent debtors, and to recommit them. They were to inquire into the abuſe of charities given to priſoners, and to puniſh the ſame; to make orders for ſelling wholeſome proviſions to the priſoners at a reaſonable price; and to cauſe a table of moderate fees to be hung up in every priſon, and any perſon taking more, was to forfeit fourfold to the party injured, and to be ſet on the pillory: And in caſe of the death of a priſoner before his debts were paid, they were impowered to ſell his eſtate for payment thereof: And though priſoners enlarged by this act were not liable to be arreſted for debts due before, yet their eſtates were to remain ſubject to their creditors ſatisfaction.

Laſtly, Theſe commiſſioners were not to be reſponſible for their conduct but to parliament; and in caſe of any difficulty, wherein they might apprehend they had not ſufficient power for the relief of juſt creditors or poor priſoners, they were to certify the ſame to the houſe, with their opinion what further proviſion was neceſſary to be made.'

(a) The arguments on this ſubject, omitted by Whitlock and others, are thus given by the anonymous author of the Exact Relation abovementioned. He ſays, 'That in the courſe of the debate, the court of chancery was called, by ſome members, the greateſt grievance in the nation: Others ſaid, That for dilatorineſs, chargeableneſs, and a faculty of bleeding the people in the purſe-vein, even to their utter periſhing and undoing, that court might compare

A new body of laws to be conſidered.

Not content with this, they took into conſideration the ſtate of the law in general, and reſolved that the committee ſhould conſider of a new body of the law; and every Friday was ſet apart for this affair, which occaſioned great debates (b).

Upon

pare with, if not ſurpaſs, any court in the world: That it was confidently affirmed by knowing gentlemen of worth, that there were depending in that court twenty-three thouſand cauſes, ſome of which had been there depending five, ſome ten, ſome twenty, ſome thirty years, and more: That there had been ſpent therein many thouſands of pounds, to the ruin, nay utter undoing of many thouſands of families: That no ſhip almoſt that ſailed in the ſea of the law, but firſt or laſt put into that port; and, if they made any conſiderable ſtay there, they ſuffered ſo much loſs, that the remedy was as bad as the diſeaſe: That what was ordered one day was contradicted the next, ſo as in ſome cauſes there had been five hundred orders and more. That when the purſes of the clients began to be empty, and their ſpirits were a little cooled, then, by a reference to ſome gentlemen in the country, the cauſe ſo long depending, at ſo great a charge, came to be ended; ſo that ſome members did not ſtick to term the chancery a myſtery of wickedneſs, and a ſtanding cheat. And that, in ſhort, ſo many horrible things were affirmed of it, that thoſe who were, or had a mind to be advocates far it, had little to ſay on the behalf of it; and ſo at the end of one day's debate, the queſtion being put, it was voted down.'

(b) The anonymous author (who was preſent) gives the following account of the debates:

'The clerk of the houſe, in drawing up the queſtion, put the word 'Body' inſtead of 'Model', which ſome members, friends to this vote, deſired to have altered; but others, lovers of the law as it now ſtood, oppoſed the alteration of the word, being very angry at the vote; and ſo it went as it was, with ſome ſeeming diſadvantage, by means of the word 'Body', which ſome of theſe aforeſaid angry gentlemen would needs fancy, and accordingly reported, as if it were intended to deſtroy and take away the laws we had been fighting for all this while as our birth-right and inheritance; and ſuch a noiſe was made about it, that made many believe that the houſe was made up of monſters, rather than men of reaſon and judgment: But there were ſome very ſober and moderate gentlemen, in the account of all men, that concurred heartily in this vote.

Some of the reaſons that were alledged in the debate producing this vote, was the intricacy, uncertainty, and incongruity in many things, with the word of God and right reaſon, in the laws as they now are.

Firſt, That whereas the law ought to be eaſy, plain, and ſhort,

Upon receiving petitions for and againſt the abolition of tythes, the committee was ordered to ſit twice a week, and con-

Concerning tythes.

ſhort, ſo that they who were to be ſubject to them, and have benefit by them, might be able to know and underſtand them in ſome good meaſure; they are now ſo voluminous, and thereby intricate and uncertain, dark and concealed, as few are able to come to the knowledge of them. Thoſe of the profeſſion of the law differ, in very many caſes, what the law is, and are of ſeveral opinions about this thing and the other; and then how ſhould others, though highly concerned, be able to underſtand them, and their intereſt therein contained; there being ſo many law-books of great bulk, ſo many old muſty records, reports and book-caſes, as that, after the time ſpent in ſchool-learning, the reſt of the time of the flower of a man's years would be little enough to read them over and peruſe them.

That, beſides, thoſe records and book-caſes are very ill guides or lights to go by, for who knoweth the circumſtances that did attend them, which often alter the whole caſe? Who knoweth whether, in thoſe caſes, bribery did not make the judgment, or the powerfulneſs of ſome great man, or the love or hatred of the judge, or the negligence or corruption of the advocate? And, beſides, in thoſe law-caſes, ſome precedents are directly contrary to others; and an advocate or council alledgeth one caſe or report, and another another; and then the judge followeth which he pleaſeth: How arbitrary is the law in this caſe? And at what uncertainty are the great intereſts and properties of men?

Beſides, how various are the cuſtoms which, notwithſtanding, paſs for laws? uſually unknown but to ſome old men of the place; which, though it be ever ſo unrighteous and unreaſonable, 'Time out of mind' carries it. How bulky and voluminous are the ſtatute-books? and of ſo great a price that few are able to buy them; and ſo large that few can ſpare time to read them, to know their right, and how they are concerned in them; and yet they muſt be judged, and ſtand or fall by them. And many times ſome muſty ſtatute, of a hundred years old and more imprinted, is found and made uſe of by ſome crafty lawyer, to the undoing of an honeſt man that meant no hurt, nor knew any thing at all of the danger.

Upon ſomething held forth to this effect, the vote was firſt carried for a new body or model of the law; and a committee choſen to that end, who met often, and had the help of ſome gentlemen of worth, that had deſerved well of their country, being true patriots; who liked well the thing, as very uſeful and deſirable, it being not a deſtroying of the law, or putting it down, as ſome ſcandalouſly reported, but a reducing the wholeſome, juſt and good laws into a body, from them

conſider of the property of incumbents in tythes, as alſo the caſe of proprietors of impropriated tythes, and report the ſame

that are uſeleſs and out of date; ſuch as concerned the biſhops and holy church, ſo called, and were made in favour of kings, and the luſts of great men, of which there are very many. If the law of God be eyed, and right reaſon looked into in all, there be ſome laws that are contrary to both, as the putting men to death for theft, the ſparing the lives of men for murder, under the notion and name of manſlaughter; a term and diſtinction not found in the righteous law of God: And that unreaſonable law, that if a waggon or cart, &c. driven by the owner, or ſome other, with never ſo much care, fall and kill any perſon, the owner, though it were his own ſon or ſervant, that could no way help it, ſhall loſe his horſe and waggon, by the profane and ſuperſtitious name of Deodand; and the owners of the goods ſhall loſe them alſo upon the ſame account, though they were as innocent as Abel. Other inſtances might alſo be given.

The way the committee took in order to their work, which muſt needs be elaborate, was by reducing the ſeveral laws to their proper heads to which they did belong, and ſo modelizing or embodying of them; taking knowledge of the nature of them, and what the law of God ſaid in the caſe, and how agreeable to right reaſon they were; likewiſe how proportionable the puniſhment was to the offence or crime; and wherein there ſeemed any thing either deficient or exceſſive, to offer a ſupply and remedy, in order to rectifying the whole. The committee began with criminals; treaſon being the higheſt, they conſidered the kinds thereof; what was meet to be adjudged treaſon in a free commonwealth, and what was meet to be the puniſhment of grand and petty treaſon. Then they proceeded to murder, the kinds of it, and what was to be ſo adjudged, and the puniſhment thereof. The like they intended concerning theft, and after to have aſcertained and ſecured property; as alſo the executive part of the law; ſo as a perſon ſhould not need to part with one property to ſecure and keep another, as now it is; perſons being forced to loſe the property of their cow, to keep the property of their horſe; or one parcel of land to preſerve and keep another. This body of law, when modelized, was to be reported to the houſe to be conſidered of, and paſſed by them as they ſhould ſee cauſe: A work in itſelf great, and of high eſteem with many, for the good fruit and benefit that would ariſe from it: By which means the huge volumes of the law would come to be reduced into the bigneſs of a pocket-book, as it is, proportionably, in New-England and elſewhere. A thing of ſo great worth and benefit as England is not yet worthy of, nor likely in a ſhort time to be ſo bleſſed as to enjoy. And this was the true end of [illegible]

ſame to the houſe. Soon after, a bill was ordered to be brought in for taking away the power of patrons to preſent to benefices. This was followed by the report of the committee of tythes, conſiſting of three articles. The ſubſtance of the two firſt was, 'That commiſſioners ſhould be ſent 'into all the counties, divided into ſix circuits, three in each 'county to join with four or ſix of every county, and ſhould 'have power to eject all miniſters who were not of good 'behaviour or unable to teach——And to ſettle able perſons 'in their room, and unite two or three pariſhes together 'that were not above three miles from the place of public 'meeting.——Then followed the names of 21 commiſ-'ſioners, conſiſting of ten clergymen and eleven laymen.'

By the third article, 'All perſons approved on as public 'preachers of the Goſpel in the public meeting places, were 'to enjoy the maintenance already ſettled by law, and ſuch 'other encouragement as the parliament had already ap-'pointed, or thereafter ſhould appoint: And that where 'any ſcrupled payment of tythes, the three next juſtices of 'peace, or two of them, ſhould, upon complaint, call the 'parties concerned before them; and, by the oaths of law-'ful witneſſes, ſhould duly apportion the value of the ſaid 'tythes to be paid either in money or land, by them to be 'ſet out according to the ſaid value, to be held and en-'joyed by him that was to have the ſaid tythes; and in caſe 'ſuch apportioned value was not duly paid or enjoyed, ac-'cording to the order of the ſaid juſtices, the tythes ſhould 'be paid in kind, and ſhould be recovered in any court of 'record.

'Laſtly, That upon hearing and conſidering what had 'been offered to the committee touching property in tythes, 'of incumbents, rectors, poſſeſſors of donatives or impro-'priate tythes, it was the opinion of the committee, that 'the ſaid perſons have a legal property in tythes (c).'

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of thoſe members that laboured in that committee, although it was moſt falſly and wickedly reported, that their endeavours tended to deſtroying the whole laws, and pulling them up by the roots.'

(c) The authors of the Parliamentary Hiſtory take notice of a very high charge brought againſt this convention by the lord Clarendon (which has been copied by others) His lordſhip ſays it was propoſed, 'That all lands belonging to the univerſities, and colleges in thoſe univerſities, might be ſold; and that the money ariſing thereby ſhould be diſpoſed of for the public ſervice, and to eaſe the

Act about marriages.

One of their moſt remarkable tranſactions, was, the act concerning marriages, births, and burials: By this extraordinary act, marriages were entirely taken out of the hands of the clergy, and put into thoſe of the juſtices of the peace (d).

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people from payment of taxes and contributions. — But, upon a ſtrict review of the Journals, it does not appear that any ſuch motion or propoſal, relating to the univerſities, was ever made in the houſe. What might be intended by ſome zealots, we pretend not to determine: But the only attempt that carried any tendency that way, was the ſcheme for aboliſhing of tythes: And this project, as we are aſſured by a member of this convention, was ſo far from being intended to the prejudice of the parochial clergy, that the deſign was only to take away the manner of maintenance by tythes, as unequal, burdenſome, and being the occaſion of litigious law-ſuits; and that a bill was offered, on the day of the parliament's reſignation, for rendering the revenues of the clergy more certain and equal, by reducing beneficies of 200l. a-year and upwards, and advancing thoſe of a ſmaller income; and alſo for making a proviſion for the widows and children of miniſters; but that this equitable propoſal was refuſed a reading; and that therefore the charge againſt one part of the houſe, of an intent to deſtroy the miniſtry, was a groundleſs reproach, caſt upon thoſe who endeavoured only to take off oppreſſions and grievances.—— The truth of this gentleman's aſſertion ſeems the leſs liable to be controverted, becauſe it is an inconteſtable fact, though generally paſſed over by the hiſtorians of thoſe times, 'That the long parliament, when they aboliſhed Epiſcopacy, and ſold the temporal revenues of the biſhops, deans and chapters, &c. made an expreſs reſerve of all their impropriations, which were to be applied to the increaſe of the revenues of the parochial clergy and heads of colleges; and the ſame reſerve of impropriations was made in the act paſſed by this convention, for enabling delinquents to compound for their eſtates. The journals alſo abound with inſtances, wherein thoſe gentlemen, who had the misfortune to be under ſequeſtration for their loyalty to the king, were obliged to endow the reſpective vicarages of which they were impropriators, with a portion of the tythe; and the value of ſuch portion, upon a culculation of years, was allowed in part of payment of their compoſitions.'

(d) This act well deſerves notice, of which the moſt material clauſes were theſe:

'That all perſons in England or Ireland, intending to be married, ſhould, twenty-one days at leaſt before, deliver in writing to the regiſter appointed by this act for the pariſh where each party to be married live, with their names, ſurnames, additions, and places of abode; and of

Beſides theſe tranſactions, there were ſeveral bills in agitation when the convention was diſſolved: "A bill for incorporating

of their parents, guardians, or overſeers; all which the ſaid regiſter ſhall publiſh three ſeveral lord's days then next following, at the cloſe of the morning exerciſe, in the church or chapel; or, if the parties to be married deſired it, in the market place next adjoining thereto, on three market days, in three ſeveral weeks next following, between the hours of eleven and two; which being done, the regiſter ſhall, upon requeſt of the parties concerned, make a certificate of the due performance thereof, without which ſuch marriage ſhall not proceed: And if any exception be made thereto, the regiſter ſhall inſert the ſame, with the name of the perſon making ſuch exception, and their place of abode, in the certificate of publication.

All perſons intending to be married, ſhall come before ſome juſtice of peace of the ſame county, city, or town corporate, where publication hath been made, and bring a certificate thereof, with proof of the conſent of their parents or guardians, if either of the parties be under the age of twenty-one years: And the juſtice ſhall examine, upon oath, concerning the truth of the certificate, and due performance of all the premiſſes, and of any exception ariſing; and, if there be no reaſonable cauſe to the contrary, the marriage ſhall proceed in this manner:

The man, taking the woman by the hand, ſhall diſtinctly pronounce theſe words, "I A. B. "do here in the preſence of "God, the ſearcher of all "hearts, take thee C. D. for "my wedded wife; and do "alſo in the preſence of God, "and before theſe witneſſes, "promiſe to be unto thee a lo-"ving and faithful huſband."

And then the woman, taking the man by the hand, ſhall alſo diſtinctly pronounce theſe words, "I C. D. do here in the pre-"ſence of God, the ſearcher of "all hearts, take thee A. B. "for my wedded huſband; and "do alſo in the preſence of "God, and before theſe wit-"neſſes, promiſe to be unto "thee a loving, faithful, and "obedient wife."

The man and woman having made ſufficient proof of the conſent of their parents or guardians, and expreſſed their conſent to marriage, in the manner and words aforeſaid, before ſuch juſtice of peace, in the preſence of two or more credible witneſſes, he ſhall declare them to be from thenceforward huſband and wife; and, after ſuch conſent ſo expreſſed, and ſuch declaration made, the ſame ſhall be good and effectual in law; and no other form of marriage ſhall be accounted valid according to the laws of England: But the juſtice of peace, in caſe of dumb perſons, may diſpenſe with pronouncing the words aforeſaid; and with joining hands, in caſe of perſons that have no hands.

porating Scotland into one commonwealth with England.—For making thoſe perſons incapable of places who ſhould ſol-

A book of vellum or parchment ſhall be provided for the regiſtering of all ſuch marriages, and of all births of children, and burials of all ſorts of people, within every pariſh; for the ſafe keeping of which, the inhabitants and houſholders chargeable to the poor, ſhall make choice of ſome able and honeſt perſon, to be approved by one juſtice of the peace of the county, and ſo ſignified under his hand in the ſaid regiſter-book, to have the keeping thereof, who ſhall therein enter all ſuch publications, marriages, births of childen, and burials of all ſorts of perſons, and the names of every of them, and the days of the month and year thereof, and the parents, guardians, or overſeers names: And for ſuch publication and certificate, the regiſter ſhall be paid 1 s. alſo 1 s. for the entry of every marriage; for every birth of a child 4 d. and for every death 4 d. But for publications marriages, births, or burials, of poor people, who live upon alms, nothing ſhall be taken. And the juſtice of peace, if deſired, ſhall give a certificate on parchment, under his hand and ſeal, of ſuch marriage. and of the day of the ſolemnization thereof, and of two or more of the witneſſes then preſent, for which his clerk to receive 1 s. And if ſuch certificate ſhall be produced to the clerk of the peace for that county, and requeſt made to him to make an entry thereof, he ſhall enter the ſame in a book of parchment to be provided for that purpoſe, and kept amongſt the records of the ſaid ſeſſions, for which he may receive 4 d.

If any perſon ſhall, by violence or fraud, ſteal or take away any one, under the age of 21 years, or cauſe ſo to be done, with intent of marriage, he ſhall forfeit his whole eſtate, real and perſonal; one half to the commonwealth, and the other to the party ſo taken away; and farther ſuffer cloſe impriſonment, and be kept to hard labour in ſome houſe of correction during life: And every perſon convicted of aiding or abetting any ſuch violence or fraud, ſhall be impriſoned and kept to hard labour for the ſpace of ſeven years: And any pretended marriage obtained by ſuch violence and fraud, ſhall be null and void.

Where any guardian ſhall betray his truſt touching any child, by ſeducing, ſelling, or otherwiſe wilfully putting ſuch child into the hands or power of any perſon to marry ſuch child, without his or her free conſent, ſuch guardian ſhall forfeit double the value of ſuch child's portion, one moiety thereof to the commonwealth, and the other to the child ſo married.

The age for a man to conſent unto marriage ſhall be 16 years, and the age of a woman, 14.

Controverſies touching contracts and marriages to be determined at the general quarter ſeſſions of the peace.

ſollicit for them.———For regulating the great exorbitance of fees in law or elſewhere, and for the better election of jurors.———For making proviſion for the diſpatch of the cauſes depending in chancery, and determining ſuits of equity for the future in a ſummary way, ſo as the expence ſhould not, in general, exceed 30 or 40 ſhillings.' It was alſo reſolved to reduce the number of officers in the excíſe and other duties, and lower the ſalaries, in order to a ſaving of the public charge.

But all theſe great matters were left unfiniſhed, by reaſon of their ſudded diſſolution.

It is obſerved by ſome of our lateſt hiſtorians, that it was uſual in thoſe days for the ſaints to change their names from Peter, John, Henry, &c. into the Old-Teſtament names of Hezekiah, Habbukuk, Obadiah, &c. and ſometimes into godly ſentences (d).

It is very remarkable, that even this mark of folly and enthuſiaſm (though ſaid to be ſo very common) cannot be fixed upon the members of this convention, among whom, as appears by the liſt, there is but one ſingle inſtance of the laſt ſort of names; which ſerved, however, to give them all the contemptuous name of Praiſe-God Barebone's parliament.

The diſſolution of this aſſembly was as remarkable as the ſummons: The journals, as well as Whitlock, only take notice of the ſuddenneſs of it; but Ludlow, in his Memoirs, is more full in this matter, as appears by the following extract. The manner of the diſſolution. Vol. II. p. 471.

'The perfidious Cromwell having forgot his moſt ſolemn profeſſions and former vows, as well as the blood and treaſure that had been ſpent in this conteſt, thought it high time to take off the maſk; and reſolved to ſacrifice all our victories and deliverances to his pride and ambition, under colour of taking upon him the office, as it were, of a high conſtable, in order to keep the peace of the nation, and to reſtrain men from cutting one another's throats. One diffi-

The following remarkable clauſe was propoſed but rejected, 'That if any perſon then married, or to be married according to this act, ſhould make proof, by one or more credible witneſs upon oath, that either the huſband or wife had committed the deteſtable ſin of adultery during ſuch marriage, then the ſaid parties might be divorced by the ſentence of three juſtices of the peace.'

(d) Such as Faint-not, Kill-ſin, God-reward, &c. Mr. Hume, in his late hiſtory, has inſerted a whole jury of the like names, Vol. II. p. 51.

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culty yet remained to obſtruct his deſign, and that was the convention which he had aſſembled, and inveſted with power, as well as earneſtly ſolicited, to reform the law, and reduce the clergy to a more evangelical conſtitution. And having ſufficiently alarmed thoſe intereſts, and ſhewn them their danger from this convention, he informed them farther, that they could not be ignorant of the confuſion that all things were brought into by the immoderate zeal of thoſe in authority, and to what extremities matters might be reduced, if permitted to go on; poſſibly, ſaid he, to the utter extirpation of law and goſpel; and therefore adviſed that they would join their intereſts to his, in order to prevent this inundation. His propoſition was readily embraced by the corrupt part of the lawyers and clergy, and ſo he became their protector, and they the humble ſupporters of his tyranny. But that his uſurpation might ſeem leſs horrid, he ſo contrived it by his inſtruments, that ſome of the convention muſt openly manifeſt their diſapprobation of their own proceedings; and, under divers ſpecious pretences, put a period to their ſitting.

To this end it was agreed by Mr. Rouſe, chairman to that aſſembly, and the reſt of Cromwell's junto, to meet earlier in the houſe than uſual, which was done accordingly on the 12th of December, 1653, hoping, by ſurprize, to obtain a vote for their diſſolution: Being met, Col. Sydenham, Sir Charles Wolſeley, and others, according to their inſtructions, bitterly inveighed againſt the tranſactions of the convention; and particularly charged them with a deſign to deſtroy the army, by not making a ſufficient and timely proviſion for their pay. They alledged, That though they had voted them a ſum of money, yet having reſolved to raiſe it by way of a pound-rate, it would take up ſo much time to bring it in, that the army muſt either ſtarve by want, or oppreſs the country by free-quarter. A ſecond ground of their invectives was taken from a motion made, that the great officers of the army ſhould ſerve without pay for one year. They accuſed them alſo of endeavouring to deſtroy the clergy, the law, and the property of the ſubject; inſtancing in their denying a right of preſentation to the patrons of eccleſiaſtical benefices: And, in general, that they had not a frame of ſpirit to do juſtice, which they would have made out by their not relieving Sir John Stawell, when he made his application to them. Thus they endeavoured to cajole the clergy, lawyers, cavaliers, and all intereſts, except that which they ſhould have had moſt regard to.

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They thought to have prevented any debate about their deſign, by meeting ſo early in the morning; but they were deceived, and enough found in the houſe to anſwer their objections. To that concerning the army it was ſaid, That the pound-rate was found to be the moſt equal way of raiſing money, and therefore reſolved upon by them; not at all doubting that it would come in ſoon enough for the ſoldiers ſupply: That they thought it reaſonable and juſt, that the great officers of the army, who were poſſeſſed of plentiful eſtates, and had received all their arrears, ſhould abate ſomewhat of their ſuperfluities, and ſerve for a little time freely, as well as thoſe who were employed in civil affairs, whoſe labour and hazard was as great, and both equally concerned in the public good; eſpecially conſidering how much this conduct would contribute to the eaſe and ſatisfaction of the people, who could not be ignorant that there were now no preſſing occaſions of charge or danger, the enemy being every where entirely ſubdued. To what had been done in order to a reformation of the law and clergy, it was anſwered, That as they conceived there was great need of it, ſo they had been told that they were called together principally for that end; and that if they had done any thing too much therein, the gentlemen who blamed them for it were very unfit ſo to do, having themſelves been the men that preſſed them continually to go much farther than they had done. To the objection concerning preſentations, they ſaid, That the method uſed therein ſeemed to them too unreaſonable to be continued; it being, in effect, to give a power to the greateſt of the pariſh, who were not always the beſt, to preſcribe what religion they pleaſed to the pariſhioners, by preſenting a perſon, howſoever unfit for that office, to be their miniſter. Laſtly, in anſwer to the charge of denying relief to Sir John Stawell, it was anſwered, That the conſideration of that matter was before them, and that they would not have failed to act as his caſe deſerved.'

To this account, the authors of the Parliamentary Hiſtory add the following particulars, collected from three different members, who are ſaid to be preſent at the diſſolution. Vol. XX. p. 242.

As ſoon as the ſpeaker had taken the chair, a member ſtood up, and ſpoke to this effect: 'That he muſt diſburden himſelf of ſome things that had a long time laid upon his heart: That he was now to ſpeak to the Eſſe, or Being, rather than the Bene eſſe, or Well-being, of the commonwealth; which was ready to ſink, through the ill management of the authority intruſted to that aſſembly; and that,

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for his own part, he muſt reſign his power from whence he had it; foreſeeing clearly, that their waitings and expectations of ever coming on to things of public good, were more and more diſappointed: [He then inſtanced the particulars touching the army, the clergy, the law, &c. as before recited] And that, for theſe conſiderations, he could not ſatisfy himſelf to ſit any longer in the houſe, and ſo be guilty of bringing confuſion and diſſolation upon the nation: But if any would yet be ſo hardy as to continue there, he would ſay unto them, in the words of the prophet, "Ephraim hath "joined himſelf to idols; let him alone."

This motion being ſeconded by two more, with ſome bitter invectives, another member ſtood up; and (declaring himſelf to ſpeak with much diſadvantage, in that he had not, as the other gentleman, any premeditated thing to ſay) told the ſpeaker, 'He had in his hand an expedient in reference to the things comprehended in the vote of the 10th of December, concerning tythes, which he hoped would ſatisfy all; and that the committee for regulating the law had ready to be offered to the houſe, ſeveral bills of very great concernment to the good and eaſe of the people; proteſting before God, angels, and men, his diſſatisfaction to the propoſed reſignation, as being deſtructive to the commonwealth.' Some gentlemen ſtanding up to ſecond him, were not ſuffered to ſpeak. Others continued to preſs the former motion, inſiſting, 'That it was not now a time to debate:' Whereupon the ſpeaker, though earneſtly called on to keep the chair, left it; and the ſerjeant, as if he had been of his council, took up the mace, and carried it before him, though much urged to the contrary. Theſe were inſtantly joined by the chief clerk, and followed by about 80 members, who went directly to Whitehall, and there ſubſcribed a reſignation of their power to the lord-general. Thirty odd ſtaid in the houſe till colonel Goffe and major White came in, and intreated them earneſtly to go out. To which it was as earneſtly replied, That at their perſonal requeſt they could not, nor would not, withdraw, unleſs compelled by force. Whereupon the officers calling in a file of muſketeers, the members withdrew; and ſome of theſe went, three or four days after, and ſubſcribed the inſtrument of reſignation.

When this inſtrument, ſo ſigned, was brought to Cromwell, he lifted up his eyes with aſtoniſhment; and, with no leſs ſeeming modeſty, refuſed to receive it; but, at length, through the importunity of major-general Lambert and others, repreſenting to him that the welfare of the nation ab-

abſolutely required his acceptance of the parliament's reſignation, he thought fit to comply with their requeſt.——Tho' it is the concurrent opinion of all contemporary writers, that Cromwell's refuſal to accept of this offer of the legiſlative power was meer hypocriſy, and that this formal ſurrender of it was a contrivance of his own, in order to pave the way to the protectorate; yet in a ſpeech made to the enſuing parliament, Sept. 12, 1654, he poſitively affirms, in the moſt ſolemn manner, 'That he was ſo far from having any hand in this project, that he was an abſolute ſtranger to the deſign, till the ſpeaker, with the major part of the houſe, came to him with the inſtrument of their reſignation.'

That Cromwell might not know of the reſignation may poſſibly be true, but that he had reſolved the diſſolution of this aſſembly is very certain, from his producing, four days after, a plan of government, the forming of which muſt have taken up a much longer time.

After this account of the convention of 1653, the reader will be enabled to judge of the prejudice and partiality of the hiſtorians in their characters of the members, and their omiſſions of the more material proceedings.

Cromwell having accepted the reſignation of the ſupreme authority, it was reſolved in a council of the officers that he ſhould be choſen lord-protector of the three nations. Accordingly, on the 16th of December, four days after the diſſolution, his inauguration was performed with great ſolemnity, during which, the following plan of government was read and ſworn to by him:

The GOVERNMENT of the COMMONWEALTH of England, Scotland, and Ireland, and the dominions thereunto belonging.

I. THAT the ſupreme legiſlative authority of the commonwealth of England, Scotland, and the dominions thereunto belonging, ſhall be and reſide in one perſon, and the people aſſembled in parliament; the ſtyle of which perſon ſhall be, "The Lord Protector of the Commonwealth of England, Scotland, and Ireland." Whitlock p. 553.

II. That the exerciſe of the chief magiſtracy, and the adminiſtration of the government over the ſaid countries and dominions, and the people thereof, ſhall be in the lord protector, aſſiſted with a council, the number whereof ſhall not exceed 21, nor be leſs than 13.

III.

III. That all writs, proceſs, commiſſions, patents, grants and other things, which now run in the name and ſtyle of "The Keepers of the Liberty of England by Authority of "Parliament," ſhall run in the name and ſtyle of "The "Lord Protector," from whom, for the future, ſhall be derived all magiſtracy and honours in theſe three nations; and have the power of pardons (except in caſe of murders and treaſon) and benefit of all forfeitures for the public uſe; and ſhall govern the ſaid countries and dominions in all things by the advice of the council, and according to theſe preſents and the laws.

IV. That the lord protector, the parliament ſitting, ſhall diſpoſe and order the militia and forces, both by ſea and land, for the peace and good of the three nations, by conſent of parliament; and that the lord protector, with the advice and conſent of the major part of the council, ſhall diſpoſe and order the militia for the ends aforeſaid in the intervals of parliament.

V. That the lord protector, by the advice aforeſaid, ſhall direct in all things concerning the keeping and holding of a good correſpondency with foreign kings, princes, and ſtates; and alſo, with the conſent of the major part of the council, have the power of war and peace.

VI. That the laws ſhall not be altered, ſuſpended, abrogated, or repealed, nor any new law made, nor any tax, charge, or impoſition laid upon the people, but by common conſent in parliament, ſave only as is expreſſed in the 30th article.

VII. That there ſhall be a parliament ſummoned to meet at Weſtminſter upon the third day of September, 1654, and that ſucceſſively a parliament ſhall be ſummoned once in every third year, to be accounted from the diſſolution of the preſent parliament.

VIII. That neither the parliament to be next ſummoned, nor any ſucceſſive parliaments, ſhall, during the time of five months, to be accounted from the day of their firſt meeting, be adjourned, prorogued, or diſſolved, without their own conſent.

IX. That as well the next as all other ſucceſſive parliaments, ſhall be ſummoned and elected in manner hereafter expreſſed; that is to ſay, the perſons to be choſen within England, Wales, the iſles of Jerſey, Guernſey, and the town of Berwick upon Tweed, to ſit and ſerve in parliament, ſhall be, and not exceed, the number of 400. The perſons to be choſen within Scotland, to ſit and ſerve in parliament,

liament, ſhall be and not exceed, the number of 30: And the perſons to be choſen to ſit in parliament for Ireland, ſhall be, and not exceed, the number of 30.

X. That the perſons to be elected, to ſit in parliament from time to time, for the ſeveral counties of England, Wales, the iſles of Jerſey and Guernſey, and the towns of Berwick upon Tweed, and all places within the ſame reſpectively, ſhall be according to the proportions and numbers hereafter expreſſed: That is to ſay,

BEDFORDSHIRE	5	Weymouth and Melcomb-Regis	1
Bedford town	1	Lyme-Regis	1
BERKSHIRE	5	Pool	1
Abingdon	1	DURHAM	2
Reading	1	City of Durham	1
BUCKINGHAMSHIRE	5	ESSEX	13
Buckingham town	1	Malden	1
Ayleſbury	1	Colcheſter	2
Wycomb	1	GLOUCESTERSHIRE	5
CAMBRIDGESHIRE	4	Glouceſter	2
Cambridge town	1	Tewkſbury	1
Cambridge univerſity	1	Cirenceſter	1
Iſle of Ely	2	HEREFORDSHIRE	4
CHESHIRE	4	Hereford	1
Cheſter	1	Leominſter	1
CORNWALL	8	HERTFORDSHIRE	5
Launceſton	1	St. Alban's	1
Truroe	1	Hertford	1
Penryn	1	HUNTINGDONSHIRE	3
Eaſtlow and Weſtlow	1	Huntingdon	1
CUMBERLAND	2	KENT	11
Carliſle	1	Canterbury	2
DERBYSHIRE	4	Rocheſter	1
Derby town	1	Maidſtone	1
DEVONSHIRE	11	Dover	1
Exeter	2	Sandwich	1
Plymouth	2	Queenborough	1
Clifton, Dartmouth, Hardneſs	1	LANCASHIRE	4
Totneſs	1	Preſton	1
Barnſtable	1	Lancaſter	1
Tiverton	1	Liverpool	1
Honiton	1	Mancheſter	1
DORSETSHIRE	6	LEICESTERSHIRE	4
Dorcheſter	1	Leiceſter	2

LIN-

LINCOLNSHIRE — 10
Lincoln — 2
Boſton — 1
Grantham — 1
Stamford — 1
Great Grimſby — 1
MIDDLESEX — 4
London — 6
Weſtminſter — 2
MONMOUTHSHIRE 3
NORFOLK — 10
Norwich — 2
Lynn-Regis — 2
Great-Yarmouth — 2
NORTHAMPTONSHIRE 6
Peterborough — 1
Northampton — 1
NOTTINGHAMSHIRE 4
Nottingham — 2
NORTHUMBERLAND 3
Newcaſtle upon Tyne 1
Berwick — 1
OXFORDSHIRE — 5
Oxford city — 1
Oxford univerſity — 1
Woodſtock — 1
RUTLANDSHIRE — 2
SHROPSHIRE — 4
Shrewſbury — 2
Bridgnorth — 1
Ludlow — 1
STAFFORDSHIRE — 3
Lichfield — 1
Stafford — 1
Newcaſtle under Line 1
SOMERSETSHIRE — 11
Briſtol — 2
Taunton — 2
Bath — 1
Wells — 1
Bridgwater — 1
SOUTHAMPTONSHIRE 8
Winchester — 1
Southampton — 1
Portſmouth — 1
Iſle of Wight — 2
Andover — 1
SUFFOLK — 10
Ipſwich — 2
Bury St. Edmund's — 2
Dunwich — 1
Sudbury — 1
SURREY. — 6
Southwark — 2
Guilford — 1
Ryegate — 1
SUSSEX — 9
Chicheſter — 1
Lewes — 1
Eaſt-Grinſtead — 1
Arundel — 1
Rye — 1
WESTMORELAND — 2
WARWICKSHIRE. — 4
Coventry — 2
Warwick — 1
WILTSHIRE — 10
New Sarum — 2
Marlborough — 1
Devizes — 1
WORCESTERSHIRE 5
Worceſter — 2

YORKSHIRE.

Weſt-Riding — 6
Eaſt-Riding — 4
North-Riding — 4
City of York — 2
Kingſton upon Hull 1
Beverley — 1
Scarborough — 1
Richmond — 1
Leads — 1
Halifax — 1

WALES.

ANGLESEY — 2
BRECKNOCKSHIRE — 2
CARDIGANSHIRE — 2
CARMARTHENSHIRE 2

CAR-

CARNARVONSHIRE —	2	MERIONETHSHIRE —	1
DENBIGHSHIRE —	2	MONTGOMERYSHIRE	2
FLINTSHIRE ——	2	PEMBROKESHIRE —	2
GLAMORGANSHIRE —	2	Haverford-West — —	1
Cardiffe — —	1	RADNORSHIRE — —	2

The diſtribution of the perſons to be choſen for Scotland and Ireland, and the ſeveral counties, cities, and places therein, ſhall be according to ſuch proportions and number as ſhall be agreed upon and declared by the lord protector and the major part of the council, before the ſending forth writs of ſummons for the next parliament.

XI. That the ſummons to parliament ſhall be by writ under the great ſeal of England, directed to the ſheriffs of the ſeveral and reſpective counties, with ſuch alteration as may ſuit with the preſent government, to be made by the lord protector and his council, which the chancellor, keeper, or commiſſioners of the great ſeal, ſhall ſeal, iſſue, and ſend abroad by warrant from the lord protector. If the lord protector ſhall not give warrant for iſſuing of writs of ſummons for the next parliament, before the firſt of June, 1654, or for the triennial parliaments, before the firſt day of Auguſt in every third year, to be accounted as aforeſaid; that then the chancellor, keeper, or commiſſioners of the great ſeal for the time being, ſhall, without any warrant or direction, within ſeven days after the firſt day of June, 1654, ſeal, iſſue, and ſend abroad writs of ſummons (changing therein what is to be changed as aforeſaid) to the ſeveral and reſpective ſheriffs of England, Scotland, and Ireland, for ſummoning the parliament to meet at Weſtminſter, the third day of September next; and ſhall likewiſe, within ſeven days after the ſaid firſt day of Auguſt, in every third year, to be accounted from the diſſolution of the precedent parliament, ſeal, iſſue, and ſend abroad ſeveral writs of ſummons (changing therein what is to be changed) as aforeſaid, for ſummoning the parliament to meet at Weſtminſter the ſixth of November, in that third year. That the ſaid ſeveral and reſpective ſheriffs ſhall, within ten days after the receipt of ſuch writ as aforeſaid, cauſe the ſame to be proclaimed and publiſhed in every market-town within his county, upon the market days thereof, between twelve and three of the clock; and ſhall then alſo publiſh and declare the certain day of the week and month, for chuſing members to ſerve in parliament for the body of the ſaid county, according to the tenor of the ſaid writ, which ſhall be upon Wedneſday five weeks after the

date of the writ; and ſhall likewiſe declare the place where the election ſhall be made: For which purpoſe he ſhall appoint the moſt convenient place for the whole county to meet in; and ſhall ſend precepts for elections to be made in all and every city, town, borough, or place within his county, where elections are to be made by virtue of theſe preſents, to the mayor, ſheriff, or other head-officer of ſuch city, town, borough, or place, within three days after the receipt of ſuch writ and writs; which the ſaid mayors, ſheriffs, and officers reſpectively are to make publication of, and of the certain day for ſuch elections to be made in the ſaid city, town or place aforeſaid, and to cauſe elections to be made accordingly.

XII. That at the day and place of elections, the ſheriff of each county, and the ſaid mayors, ſheriffs, bailiffs, and other head officers within their cities, towns, boroughs, and places reſpectively, ſhall take view of the ſaid elections, and ſhall make return into the chancery within twenty days after the ſaid elections, of the perſons elected by the greateſt number of electors, under their hands and ſeals, between him on the one part, and the electors on the other part; wherein ſhall be contained, That the perſons elected ſhall not have power to alter the government as it is hereby ſettled in one ſingle perſon and a parliament.

XIII. That the ſheriff, who ſhall wittingly and willingly make any falſe return, or neglect his duty, ſhall incur the penalty of 2000 marks of lawful Engliſh money; the one moiety to the lord protector, and the other moiety to ſuch perſon as will ſue for the ſame.

XIV. That all and every perſon and perſons, who have aided, adviſed, aſſiſted, or abetted in any war againſt the parliament, ſince the firſt day of January, 1641, (unleſs they have been ſince in the ſervice of the parliament, and given ſignal teſtimony of their good affection thereunto) ſhall be diſabled and uncapable to be elected, or to give any vote in the election of any members to ſerve in the next parliament, or in the three ſucceeding triennial parliaments.

XV. That all ſuch, who have adviſed, aſſiſted, or abetted the rebellion of Ireland, ſhall be diſabled and uncapable for ever to be elected, or give any vote in the election of any member to ſerve in parliament; as alſo all ſuch who do or ſhall profeſs the Roman Catholick religion.

XVI. That all votes and elections given or made contrary, or not according to, theſe qualifications, ſhall be null and void: And if any perſon, who is hereby made uncapable ſhall

ſhall give his vote for election of Members to ſerve in parliament, ſuch perſon ſhall loſe and forfeit one full year's value of his real eſtate, and one full third part of his perſonal eſtate; one moiety thereof to the lord protector, and the other moiety to him or them who ſhall ſue for the ſame.

XVII. That the perſons who ſhall be elected to ſerve in parliament, ſhall be ſuch (and no other than ſuch) as are perſons of known integrity, fearing God, and of good converſation, and being of the age of twenty-one years.

XVIII. That all and every perſon and perſons ſeized or poſſeſſed to his own uſe, of any real eſtate or perſonal, to the value of 200l. and not within the aforeſaid exceptions, ſhall be capable to elect members to ſerve in parliament for counties.

XIX. That the chancellor, keeper, or commiſſioners of the great ſeal, ſhall be ſworn before they enter into their offices, truly and faithfully to iſſue forth and ſend abroad, writs of ſummons to parliament, at the times and in the manner before expreſſed: And in caſe of neglect or failure to iſſue and ſend abroad writs accordingly, he or they ſhall for every ſuch offence, be guilty of high-treaſon, and ſhall ſuffer the pains and penalties thereof.

XX. That in caſe writs be not iſſued out, as is before expreſſed, but that there be a neglect therein, fifteen days after the time wherein the ſame ought to be iſſued out by the chancellor, keeper, or commiſſioners of the great ſeal; that then the parliament ſhall, as often as ſuch failure ſhall happen, aſſemble and be held at Weſtminſter, in the uſual place, at the times prefixed, in manner and by the means hereafter expreſſed; that is to ſay, That the ſheriffs of the ſeveral and reſpective counties, ſheriffdoms, cities, boroughs, and places aforeſaid, within England, Wales, Scotland, and Ireland, the chancellor, maſters, and ſcholars of the univerſities of Oxford and Cambridge, and the mayor and bailiffs of the borough of Berwick upon Tweed, and other the places aforeſaid reſpectively, ſhall at the ſeveral courts and places to be appointed as aforeſaid, within thirty days after the ſaid fifteen days, cauſe ſuch members to be choſen for their ſaid ſeveral and reſpective counties, ſheriffdoms, univerſities, cities, boroughs, and places aforeſaid, by ſuch perſons, and in ſuch manner, as if ſeveral and reſpective writs of ſummons to parliament under the great ſeal had iſſued and been awarded according to the tenor aforeſaid: That if the ſheriff, or other perſons authorized, ſhall neglect his or their duty herein, that all and every ſuch ſheriff and perſon authorized

as aforeſaid, ſo neglecting his or their duty, ſhall, for every ſuch offence, be guilty of high-treaſon, and ſhall ſuffer the pains and penalties thereof.

XXI. That the clerk, called the clerk of the commonwealth in chancery for the time being, and all others, who ſhall afterwards execute that office, to whom the returns ſhall be made, ſhall for the next parliament, and the two ſucceeding triennial parliaments, the next day after ſuch return, certify the names of the ſeveral perſons ſo returned, and of the places for which he and they were choſen reſpectively, unto the council; who ſhall peruſe the ſaid returns, and examine whether the perſons ſo elected and returned be ſuch as is agreeable to the qualifications, and not diſabled to be elected: And that every perſon and perſons being ſo duly elected, and being approved of by the major part of the council, to be perſons not diſabled, but qualified as aforeſaid, ſhall be eſteemed a member of parliament, and be admitted to ſit in parliament, and not otherwiſe.

XXII. That the perſons ſo choſen and aſſembled in manner aforeſaid, or any ſixty of them, ſhall be, and be deemed the parliament of England, Scotland, and Ireland; and the ſupreme legiſlative power to be and reſide in the lord protector and ſuch parliament, in manner herein expreſſed.

XXIII. That the lord protector, with the advice of the major part of the council, ſhall at any other time than is before expreſſed, when the neceſſities of the ſtate ſhall require it, ſummon parliaments in manner before expreſſed, which ſhall not be adjourned, prorogued, or diſſolved without their own conſent, during the firſt three months of their ſitting. And in caſe of future war with any foreign ſtate, a parliament ſhall be forthwith ſummoned for their advice concerning the ſame.

XXIV. That all bills agreed unto by the parliament, ſhall be preſented to the lord protector for his conſent; and in caſe he ſhall not give his conſent thereto, within twenty days after they ſhall be preſented to him, or give ſatisfaction to the parliament within the time limited; that then, upon declaration of the parliament that the lord protector hath not conſented nor given ſatisfaction, ſuch bills ſhall paſs into, and become laws, although he ſhall not give his conſent thereunto; provided ſuch bills contain nothing in them contrary to the matters contained in theſe preſents.

XXV. That Henry Lawrence, Eſq; &c. [whoſe names are before-mentioned at p. 247.] or any ſeven of them, ſhall be a council for the purpoſes expreſſed in this writing, and

and upon the death or other removal of any of them, the parliament ſhall nominate ſix perſons of ability, integrity, and fearing God, for every one that is dead or removed; out of which the major part of the council ſhall elect two, and preſent them to the lord protector, of which he ſhall elect one: And in caſe the parliament ſhall not nominate within twenty days after notice given unto them thereof, the major part of the council ſhall nominate three as aforeſaid to the lord protector, who out of them ſhall ſupply the vacancy: And until this choice be made, the remaining part of the council ſhall execute as fully in all things, as if their number were full. And in caſe of corruption, or other miſcarriage in any of the council in their truſt, the parliament ſhall appoint ſeven of their number, and the council ſix, who, together with the lord chancellor, lord keeper, or commiſſioners of the great ſeal for the time being, ſhall have power to hear and determine ſuch corruption and miſcarriage, and to award and inflict puniſhment, as the nature of the offence ſhall deſerve; which puniſhment ſhall not be pardoned or remitted by the lord protector: And, in the interval of parliaments, the major part of the council, with the conſent of the lord protector, may, for corruption, or other miſcarriage as aforeſaid, ſuſpend any of their number from the exerciſe of their truſt, if they ſhall find it juſt, until the matter ſhall be heard and examined as aforeſaid.

XXVI. That the lord protector, and the major part of the council aforeſaid, may, at any time before the meeting of the next parliament, add to the council ſuch perſons as they ſhall think fit; provided the number of the council be not made thereby to exceed twenty-one, and the quorum to be proportioned accordingly by the lord protector and the major part of the council.

XXVII. That a conſtant yearly revenue ſhall be raiſed, ſettled, and eſtabliſhed for maintaining of 10,000 horſe and dragoons, and 20,000 foot, in England, Scotland, and Ireland, for the defence and ſecurity thereof, and alſo for a convenient number of ſhips for guarding of the ſeas, beſides 200,000l. per ann. for defraying the other neceſſary charges of adminiſtration of juſtice, and other expences of the government; which revenue ſhall be raiſed by the cuſtoms, and ſuch other ways and means as ſhall be agreed upon by the lord protector and his council, and ſhall not be taken away or diminiſhed, nor the way agreed upon for raiſing the ſame altered, but by the conſent of the lord protector, and the parliament.

XXVIII. That the ſaid yearly revenue ſhall be paid into the public treaſury, and ſhall be iſſued out for the uſes aforeſaid.

XXXIX. That in caſe there ſhall not be cauſe hereafter to keep up ſo great a defence both at land or ſea, but that there be an abatement made thereof, the money which will be ſaved thereby, ſhall remain in bank for the public ſervice, and not be employed to any other uſe but by conſent of parliament, by the lord protector, and major part of the council.

XXX. That the raiſing of money for defraying the charge of the preſent extraordinary forces, both at ſea and land, in reſpect to the preſent wars, ſhall be by conſent of parliament, and not otherwiſe: Save only that the lord protector, with the conſent of the major part of the council, for preventing the diſorders and dangers which might otherwiſe fall out both by ſea or land, ſhall have power, until the meeting of the firſt parliament, to raiſe money for the purpoſes aforeſaid; and alſo to make laws and ordinances for the peace and welfare of theſe nations, where it ſhall be neceſſary; which ſhall be binding and in force, until order ſhall be taken in parliament concerning the ſame.

XXXI. That the lands, tenements, rents, royalties, juriſdictions and hereditaments, which remain yet unſold, or undiſpoſed of, by act or ordinance of parliament, belonging to the commonwealth, (except the foreſts and chaſes, and the honours and manors belonging to the ſame; the lands of the rebels in Ireland, lying in the four counties of Dublin, Cork, Kildare, and Catherlaugh, in the late wars; and alſo the lands of Papiſts and delinquents in England, who have not yet compounded) ſhall be veſted in the lord protector, to hold, to him and his ſucceſſor, lords protectors of theſe nations; and ſhall not be alienated but by conſent in parliament. And all debts, fines, iſſues, amerciaments, penalties and profits, certain and caſual, due to the keepers of the liberties of England by authority of parliament, ſhall be due to the lord protector, and be payable into his public receipt, and ſhall be recovered and proſecuted in his name.

XXXII. That the office of lord protector over theſe nations ſhall be elective and not hereditary; and upon the death of the lord protector, another fit perſon ſhall be forthwith elected to ſucceed him in the government; which election ſhall be by the council, who, immediately upon the death of the lord protector, ſhall aſſemble in the chamber where they uſually ſit in council; and, having given notice to all their mem-

members of the cauſe of their aſſembling, ſhall, being thirteen at leaſt preſent, proceed to the election; and, before they depart the ſaid chamber, ſhall elect a fit perſon to ſucceed in the government, and forthwith cauſe proclamation thereof to be made in all the three nations as ſhall be requiſite: And the perſon that they, or the major part of them, ſhall elect as aforeſaid, ſhall be, and ſhall be taken to be, lord protector over theſe nations of England, Scotland, and Ireland, and the dominions thereto belonging. Provided that none of the children of the late king, nor any of his line or family, be elected to be lord protector or chief magiſtrate over theſe nations, or any the dominions thereto belonging. And until the aforeſaid election be paſt, the council ſhall take care of the government, and adminiſter in all things as fully as the lord protector, or the lord protector and council are enabled to do.

XXXIII. That Oliver Cromwell, captain-general of the forces of England, Scotland, and Ireland, ſhall be, and is hereby declared to be, lord protector of the commonwealth of England, Scotland, and Ireland, and the dominions thereto belonging, for his life.

XXXIV. That the chancellor, keeper, or commiſſioners of the great ſeal, the treaſurer, admiral, chief governors of Ireland and Scotland, and the chief-juſtices of both the benches, ſhall be choſen by the approbation of parliament; and, in the intervals of parliament, by the approbation of the major part of the council, to be afterwards approved by the parliament.

XXXV. That the Chriſtian religion, as contained in the Scriptures, be held forth and recommended as the public profeſſion of theſe nations; and that, as ſoon as may be, a proviſion, leſs ſubject to ſcruple and contention, and more certain than the preſent, be made for the encouragement and maintenance of able and painful teachers, for inſtructing the people, and for diſcovery and confutation of error, hereſy, and whatever is contrary to ſound doctrine: And that until ſuch proviſion be made, the preſent maintenance ſhall not be taken away nor impeached.

XXXVI. That to the public profeſſion held forth none ſhall be compelled by penalties or otherwiſe; but that endeavours be uſed to win them by ſound doctrine, and the example of a good converſation.

XXXVII. That ſuch as profeſs faith in God by Jeſus Chriſt, (though differing in judgment from the doctrine, worſhip, or diſcipline publickly held forth) ſhall not be reſtrained

ſtrained from, but ſhall be protected in, the profeſſion of the faith, and exerciſe of their religion; ſo as they abuſe not this liberty to the civil injury of others, and to the actual diſturbance of the public peace on their parts: Provided this liberty be not extended to Popery nor Prelacy, nor to ſuch as, under the profeſſion of Chriſt, hold forth and practiſe licentiouſneſs.

XXXVIII. That all laws, ſtatutes, and ordinances, and clauſes in any law, ſtatute, or ordinance to the contrary of the aforeſaid liberty, ſhall be eſteemed as null and void.

XXXIX. That the acts and ordinances of parliament, made for the ſale or other diſpoſition of the lands, rents, and hereditaments of the late king, queen, and prince, of archbiſhops and biſhops, &c. deans and chapters, the lands of delinquents, and foreſt lands, or any of them, or of any other lands, tenements, rents, and hereditaments belonging to the commonwealth, ſhall nowiſe be impeached or made invalid, but ſhall remain good and firm; and that the ſecurities given by act and ordinance of parliament for any ſum or ſums of money, by any of the ſaid lands, the exciſe, or by any other public revenue; and alſo the ſecurities given by the public faith of the nation, and the engagement of the public faith for ſatisfaction of debts and damages, ſhall remain firm and good, and not be made void and invalid upon any pretence whatſoever.

XL. That the articles given to, or made with, the enemy, and afterwards confirmed by parliament, ſhall be performed and made good to the perſons concerned therein: And that ſuch appeals as were depending in the laſt parliament, for relief concerning bills of ſale of delinquents eſtates, may be heard and determined the next parliament, anything in this writing, or otherwiſe, to the contrary notwithſtanding.

XLI. That every ſucceſſive lord protector over theſe nations, ſhall take and ſubſcribe a ſolemn oath, in the preſence of the council, and ſuch others as they ſhall call to them, that he will ſeek the peace, quiet, and welfare of theſe nations, cauſe law and juſtice to be equally adminiſtered; and that he will not violate or infringe the matters and things contained in this writing; and, in all other things, will, to his power, and to the beſt of his underſtanding, govern theſe nations, according to the laws, ſtatutes, and cuſtoms thereof.

XLII.

XLII. That each perſon of the council ſhall, before they enter upon their truſt, take and ſubſcribe on oath, that they will be true and faithful in their truſt, according to the beſt of their knowledge; and that in the election of every ſucceſſive lord protector, they ſhall proceed therein impartially, and do nothing therein for any promiſe, fear, favour, or reward.

The oath was in theſe words:

'WHereas the major part of the laſt parliament (judging that their ſitting any longer, as then conſtituted, would not be for the good of the commonwealth) did diſſolve the ſame; and, by a writing under their hands, dated the 12th day of this inſtant December, reſigned unto me their powers and authorities; and whereas it was neceſſary thereupon, that ſome ſpeedy courſe ſhould be taken for the ſettlement of theſe nations upon ſuch a baſis and foundation as, by the bleſſing of God, might be laſting, ſecure property, and anſwer thoſe great ends of religion and liberty, ſo long contended for: And, upon full and mature conſideration had of the form of government hereunto annexed, being ſatisfied that the ſame, through the divine aſſiſtance, may anſwer the ends aforementioned; and having alſo been deſired, and adviſed, as well by ſeveral perſons of intereſt and fidelity in this commonwealth, as the officers of the army, to take upon me the protection and government of theſe nations in the manner expreſſed in the ſaid form of government, I have accepted thereof, and do hereby declare my acceptance accordingly; and I do promiſe, in the preſence of God, that I will not violate or infringe the matters and things contained therein; but, to my power, obſerve the ſame, and cauſe them to be obſerved; and ſhall, in all other things, to the beſt of my underſtanding, govern theſe nations according to the laws, ſtatutes, and cuſtoms thereof; ſeeking their peace, and cauſing juſtice and law to be equally adminiſtered.'

O. CROMWELL.

To this oath was ſubjoined the following memorandum:

'Oliver Cromwell, captain-general of all the forces of this commonwealth, and now declared lord protector thereof, did, this 16th day of December, 1653, ſign this writing,

'writing, and ſolemnly promiſe, as is therein contained, in 'preſence of the lords commiſſioners of the great ſeal of Eng-'land, who adminiſtered the ſame oath, and of the lord 'mayor and aldermen of the city of London, divers of the 'judges of the land, the officers of ſtate and army, and 'many other perſons of quality.'

It is obſervable that when Cromwell's firſt parliament was ſummoned upon this new model, inſtead of 30, there were (as appears by the liſt) but 21 members choſen for Scotland. Of the other nine, only five are accounted for by Whitlock, who ſays, that five ſheriffdoms returned, 'that 'not one fit to be a parliament-man was to be found within 'their liberties.'

All the thirty were returned for Ireland.

Great alterations were made in this plan by Cromwell's ſecond parliament, in an inſtrument which was paſſed under the title of THE HUMBLE PETITION AND ADVICE, which the reader may ſee in Whitlock's Memorials.

THE

THE PUBLIC LAW OF EUROPE:

OR,

An Hiſtorical Abridgment of the TREATIES on which are founded the Rights and Pretenſions of the ſeveral Princes and States in *Europe*; from the Treaty of *Munſter* in 1648, to the Year 1701.

To which are added,

The TREATIES of COMMERCE down to the Year 1740, with preliminary Diſcourſes and Remarks, by *Mably*, *Rouſſet*, and others.

LET it be remembered, that the Remarks and Preliminary Diſcourſes are penned by an author trained up in the French politics, which often makes him blame the Houſe of Auſtria for doing what France was then and has been ever ſince labouring to accompliſh. The ſame biaſs to France cauſes him to repreſent king William as actuated by motives very different from the true ones. Theſe things are partly taken notice of in the notes, or rectified in the text.

ADVERTISEMENT.

TREATIES (as all the world knows) are the archives of the nations, containing the titles of all the ſtates, the reciprocal engagements by which they are bound, the laws they impoſe upon one another, and the rights they have acquired or loſt. There are, doubtleſs, few objects more intereſting, and yet there are few of which the knowledge is more neglected. The hiſtorians, as if it were leſs uſeful to be informed of the conditions on which two ſtates are agreed, than to know the particulars of their ſieges and battles, are very large upon theſe, whilſt they haſtily paſs over the treaties. A fault the more unpardonable, as they cannot be ignorant, how few perſons are hardy enough to repair their defect, by attempting the peruſal of the voluminous diplomatic collections.

The author therefore believed he ſhould do the public a ſingular ſervice, in faithfully analyſing all the treaties which are in force at this day in Europe. If he had confined himſelf to ſuch articles only as are valid, his work would have been uſeful only to perſons already acquainted with the ſeries of all the negotiations, and he would have loſt the advantage of offering a repreſentation of the ſeveral political intereſts which have been the ſprings of action in Europe for a century paſt.

The order in which the ſubjects are placed is left to the judgment of the public, as are alſo the reflections and obſervations, which are interſperſed to remind the reader of facts he may have forgot; to ſerve as leſſons to ſuch as may be deſtined to public affairs, by pointing out the rocks on which great miniſters have miſcarried, and to clear ſome queſtions relative to the art of Treating.

There are but few treaties, before the peace of Weſtphalia, that have any influence now on affairs. This will appear evident, if attention be given to the multitude of

events

events which, within the laſt hundred years, have changed the political ſtate of Europe. New intereſts have created new engagements, and new engagements have deſtroyed the old. For this reaſon, any treaties before thoſe of Munſter and Oſnabrug, will be mentioned only when they are confirmed by ſome particular clauſe.

What is here publiſhed, is but the firſt part of the work, commencing with the Weſtphalian treaties, and ending with the peace of Ryſwic; to which are ſubjoined, the treaties of commerce now in force, down to the year 1740. The ſecond part will contain all the treaties from the peace of Utrecht to the preſent times, with the temporary treaties of commerce.

ERRATA. Note (a) p. 322. l. 90 for *conſtitution*, read *capitulation*. P. 370. l. 30. for *Frey-Amtex*, r. *Frey-Amter*, and wherever elſe that word occurs. P. 371. l. 2. for *Sagans*, r. *Sargans*. P. 376. l. 19. for *hoſtility*, r. *hoſtilely*. P. 382. l. 14. and p. 383. l. 10. for *Roneiglione*, r. *Ronciglione*. P. 390. l. 42. for *implied*, r. *employed*. P. 430. l. 15. for *parts*, r. *ports*.

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THE

THE PUBLIC LAW OF EUROPE:

OR,

An Hiſtorical Abridgment of the Treaties on which are founded the Rights and Pretenſions of the ſeveral Princes and States in *Europe*.

PART I.

From the Treaty of *Munſter* in 1648, to the Peace of *Ryſwick*, 1697.

CHAP. I.

The TREATIES of WESTPHALIA (a) and the PYRENNEES (b).

WHEN the doctrines of Luther had prevailed in Germany, it was eaſy to foreſee that the intolerant zeal of the Catholics, and their cruel uſage of the Proteſtants, would diſturb the peace of the empire. The Proteſtants, tired with making fruitleſs complaints, as ſoon as

(a) In the treaty of Weſtphalia, the Proteſtant plenipotentiaries aſſembled at Oſnabrug, and the Catholic at Munſter, (both which places are in Weſtphalia) and therefore it is commonly called, The treaty of Munſter and Oſnabrug.

(b) The Pyrenean treaty is joined with thoſe of Munſter and Oſ-

as they could form an army, entered into a confederacy, called, from the place of congreſs, the League of Smalcald; but their arms were not crowned with ſucceſs (c). The battle of Mulberg, (in 1547) and the captivity of John Frederic, elector of Saxony, and of the landgrave of Heſſe-Caſſel, would have entirely demoliſhed the Proteſtants, if the bravery of prince Maurice of Saxony (couſin to the elector) had not revived their hopes, and France raiſed up enemies to the houſe of Auſtria, whoſe ruin ſhe ſought. The calamities that were felt, and the dread of thoſe that were approaching, made both parties relax. The PUBLIC PEACE, or treaty of Paſſau, was ſigned the 2d of Auguſt 1552, and, three years after, the PEACE of RELIGION was concluded at Auſburg. By theſe treaties the Lutheran religion, and liberty of conſcience, were eſtabliſhed in Germany. The Catholics believed they had loſt too much, and the Proteſtants imagined they had not gained enough, or at leaſt did not think their rights ſufficiently eſtabliſhed. Suſpicions bred animoſities, and in this ſtate of things, it was hardly poſſible that the conventions of Paſſau and Auſburg ſhould be regarded, eſpecially as the houſe of Auſtria, Catholic both by policy and principle, blew up the coals of the civil diſſentions. Charles V. formed the ambitious project of enſlaving the em-

Oſnabrug, as it may be deemed part thereof. The kings of France and Spain were as yet too much incenſed againſt each other to [illegible] the deciſion of their quarrel to the Weſtphalian negotiations, and therefore continued the war twelve years longer. The king of France excluded the duke of Lorrain from the treaty of Munſter, as the king of Spain did Portugal, which laſt was deſerted by France at the treaty of the Pyrennees, contrary to the moſt ſolemn promiſes, and the duke of Lorrain was admitted upon hard terms, as will be ſeen in the articles relating to his dominions. This treaty likewiſe diſcovers the future deſigns of France, and the [illegible] that court

has ivariably p[illegible]ued to this day.

(c) Smal[illegible]ld is a city of Franconia, [illegible] the county of Hennenberg, [illegible]nder the landgrave of Heſſ[illegible] Caſſ[illegible] The emperor Cha[illegible]es V. reſolving to extinguiſh the Lutherans, aſſembled a diet at Spire, and, by a decree, dated the 13th of October, 1529, directed that they ſhould be proceeded againſt. Whereupon the Lutheran princes proteſted in favour of their religion, and ſo gained the name of Proteſtants, and their religion was ſtiled the Proteſtant Faith. The next year they aſſembled at Smalcald, and entered into a defenſive league, which was concluded in 1530, and renewed in 1535 for ten years.

pire,

pire, and to that end endeavoured to weaken the princes of the Germanic body (whoſe forces were formidable to him) by arming them one againſt another. His ſucceſſors, after his example, always conſidered the troubles of Germany as favourable to their views, but, leſs able to practiſe the ſame policy, they did not draw from thence the ſame advantages.

Ferdinand II. ſaw Bohemia in arms againſt him, and the Proteſtants of the empire, by ſupporting the revolt of that kingdom, put the Catholics upon taking up arms in defence of the emperor. Ferdinand, aided by the moſt conſiderable forces of the Germanic body, utterly demoliſhed the party of Frederic V, elector Palatine, whom the Bohemians had placed on their throne. The triumph of religion was not the principal, or at leaſt the ſole object of Ferdinand, and in his proſperity he did not forget the intereſts of his crown. He artfully availed himſelf of the indiſcreet zeal of the Catholics, who thought all things lawful either to deſtroy the Proteſtants or to retain their ſpoils, and by means of the animoſities which divided the empire, he began to exerciſe an arbitrary power.

Germany was ready to ſink, and the loſs of her liberty would have made it eaſy for the houſe of Auſtria to accompliſh their projects; when Guſtavus Adolphus, who had lately concluded a ſix years truce with Poland, perceived at once how much it behoved him to gain an eſtabliſhment in the empire, in order to be more reſpected in Europe, and how favourable to him the preſent circumſtances were. This prince, born with the qualities, ſeldom united, of a great king and a hero, had an army worthy of him. Cardinal Richlieu looked upon him as a fit inſtrument to humble the houſe of Auſtria, promiſed him ſubſidies, and enflamed his hopes by flattering his ambition (d). The Proteſtant princes of Germany at the ſame time addreſſed to him their complaints: The yoke they were under, began to be too heavy to be thrown off without a foreign aid, and in their invitation they promiſed to join their forces with his. Guſtavus therefore entered the territories of the empire, declaring himſelf the protector of Germany, and the avenger of

Sept. 15. 1629.

(d) Cardinal Richlieu, by his penſioners in the court of Sweden, gave Guſtavus Adolphus the firſt hint of taking advantage of the troubles of Germany, to enter there on pretence of religion. But Guſtavus would not come into the views of France, and attack the houſe of Auſtria alone, which France wanted to humble,

its

its laws. He landed the 24th of June, 1630, in the iſle of Rugen, where he began the firſt hoſtilities, and five days after he paſſed into the iſland of Uſedom.

This war is one of the moſt famous in Europe, more particularly for the number of illuſtrious generals, Guſtavus, Weimart, Horn, Bannier, Tortenſon, Maximilian of Bavaria, Tilly, Walſtein, Piccolomini, Merci, Guebriant, Condé, Turenne, &c. But what made it ſtill more memorable, was, that almoſt all Europe took part in it; that it ſet bounds, at leaſt for a time, to the power of the Auſtrian princes; and that the peace which ended it, altered the intereſts of all Chriſtendom, and has ſerved for foundation to all the ſubſequent treaties (e).

Cardinal Richlieu perhaps would have prevented a general war, if, inſtead of only paying ſubſidies to Sweden, he had declared war againſt Ferdinand, when Guſtavus was ſpreading terror in the heart of Germany; or at leaſt if he had not deferred it, till the battle of Norlingen had ruined the affairs of the Swedes (f). By this conduct, he would have preſcribed terms to the Spaniſh court, and the emperor been obliged to receive law from the conqueror: Whereas Ferdinand, from the brink of ruin, having recovered a ſort of ſuperiority, it was become more difficult to force him to ſue for peace, and renounce the vaſt projects of his houſe.

The war continued with vigour, and for ſeveral years the contending powers were too much incenſed againſt each other to perceive how dearly they purchaſed the glory of conquering, or of ſhewing their fortitude in adverſity. It was in ſome meaſure againſt their wills that they ſigned at Hamburgh, the 25th of December, 1641, the preliminary articles of the peace. The conferences were to begin the 5th of March of the next year, but were put off to the 10th of July, 1643, and the peace, after five years negotiation, was not concluded till 1648.

The Catholics held their aſſemblies at Munſter, and the Proteſtants at Oſnabrug. Matters at firſt were treated with great ſlowneſs. The plenipotentiaries ſounded one another; and each feared that his adverſary would take advantage of

(e) It may be added, that by the ceſſions to France of three biſhoprics and Alſatia, it began to deſtroy the balance of power in Europe.

(f) Norlingen is an imperial city in Swabia, famous for nothing but the defeat of the Swedes in 1644, and the victory of the Swedes and French over the Bavarians in 1645.

his

his advances, and even of his readineſs to liſten to the firſt propoſitions. Hence thoſe numberleſs difficulties objected to the plaineſt overtures. However, the length of the Weſtphalian treaty muſt not be aſcribed to that cauſe alone. There was an immenſe chaos of oppoſite intereſts to be adjuſted; whole provinces were to be torn from the houſe of Auſtria; the laws and liberty of the oppreſſed empire were to be reſtored; and the Proteſtants to be inriched with the ſpoils of the Catholic eccleſiaſtics, in order to eſtabliſh a ſort of an equilibrium between them.

As long as the war left the court of Vienna the leaſt proſpect of ſucceſs, the neceſſary conditions for confirming the public tranquillity, ſeemed impracticable. Nay, the peace itſelf was no longer the prime object of the negotiators. The imperial miniſters ſought only to diſunite France, Sweden, and the Germanic body. Spain, after their example, uſed all her endeavours to draw off the United Provinces from the alliance of France. Nothing was forgot of what the moſt refined politics could ſuggeſt, to breed ſuſpicions and fears. In ſhort, a general peace could not be expected. It is true, France and Sweden adhered faithfully to their engagements. Each of theſe powers perceived that the advantage of a ſeparate peace would be but tranſitory. What further contributed to their union, was, that the princes of the Catholic league, ſenſible of the emperor's weakneſs, were withdrawing themſelves from him by degrees, in order to put themſelves under the ſecurer protection of his enemies. But the United Provinces, purſuant to their intereſt, took a contrary courſe; they detached themſelves from France, and ſigned a [illegible] with Spain the 30th of January, 1648. From thenceforward Spain thought herſelf ſo ſure of humbling France, that ſhe would not conſent to the ceſſions required of her.

The conduct of the United Provinces was complained of on all ſides; but their gratitude to France, on which the French miniſters too far relied, was not able to counterbalance their intereſts: The Spaniards granted all their demands; they had nothing to hope from the continuation of the war, and, after all, an unlucky turn might deprive them of the advantage they had gained. Beſides, France was now become formidable to the States-general. They dreaded her ſucceſſes and neighbourhood, and began to perceive that Spain was no longer that power which had made all around her tremble under the reigns of Charles V. and his ſon.

The

The peace of the empire with France and Sweden was ſigned the 28th of October, 1648, and in conſequence of the convention of Nuremberg, the 30th of July, 1650, Octavius Piccolomini, and Charles Guſtavus, prince Palatine, generals of the imperial armies, were charged with ſeeing all the articles punctually executed.

It was to be feared that the war, which was going to continue with greater warmth than ever, between France and Spain, would deſtroy the fruits of a five-years negotiation, and kindle a ſecond flame over all Europe. To prevent this misfortune, the French plenipotentiaries required that the emperor and empire ſhould not interfere in the war with the king of Spain, though that prince, by virtue of the circle of Burgundy, was a member of the Germanic body, nor take up arms to adjuſt the diſputes concerning Lorrain. France omitted nothing to ſecure the execution of theſe important articles: She procured by treaties of league and alliance (which were often renewed after the peace of the Pyrennees) the guaranty of the moſt powerful princes of the empire.

T. M. III. IV.

The inteſtine diviſions which began in 1648 to diſturb the minority of Lewis XIV, did not hinder the French from keeping the aſcendant they had gained over the Spaniards after the battle of Rocroy. If the court of Madrid ſaw their hopes vaniſh, which had made them ſo haughty at Munſter, France was no leſs weary of her triumphs (g). A ſuſpenſion of arms was agreed upon, and ſigned at Paris the 7th of May, 1659. Cardinal Mazarine's haſte to put an end to hoſtilities, on bare preliminaries, did not eſcape cenſure. Since the beginning of the war, the ſucceſſes of France had not yet been ſo great, and it was thought the concluſion [illegible] would render them fruitleſs. Some, ignorant doubtleſs of the danger in driving an enemy to deſpair, were for cruſhing the Spaniards; others, more wiſe, wiſhed only that the peace had been treated ſword in hand, to render the negotiations more eaſy and ſhort. But the ſituation of affairs, and diſpoſition of the parties, did not require the ſame conduct as was uſed during the congreſs of Weſtphalia. Cardinal Mazarine and Don Lewis de Haro came to the frontiers of the two kingdoms, and, after twenty-four conferences, the peace

(g) One inducement [illegible] Spain to make peace with France, was, that Cromwell, after having been courted by both crowns, thought fit to make a treaty with the French againſt the Spaniards, having had an eye for ſome time on ſome conqueſt in America.

was

was concluded the 7th of November, 1659, in the isle of Pheasants in the river Bidassoa.

Mazarine has left in his letters a curious and circumstantial account of this negotiation. Don Lewis de Haro had but little knowledge of the affairs of Europe, naturally weak, timorous, and irresolute; he had no fixed and certain principle to guide him in his proceedings. Mazarine, on the contrary, had all the qualifications that can be desired in a negotiator. With a thorough insight into the affairs of Europe, he was perfectly acquainted with every thing relating to the respective interests of his master and the king of Spain. These talents were needless in the Pyrennean conferences: He had scarce other difficulties to surmount but Don Lewis's irresolution and vanity, both which he easily managed. Indeed, he could not prevail to have Portugal included in the treaty, nor Condé to be left out; but, for these compliances, ample amends were made by other concessions.

FRANCE.

'The emperor and empire resign to the king of France to T. M. 70. 'be incorporated in his crown for ever, all their rights upon 'the cities and bishoprics of Metz, Toul, and Verdun, and 'their dependencies, particularly Moyenvic, saving the right 'of metropolitan, which belongs to the archbishop of 'Treves.

'The emperor for himself and the house of Austria and T. M. 73. 'the empire, resign to France the city of Brisac, and the &c. 'villages of Hochstat, Niederrimsing, Harten, and Acharren, 'which depend thereon, to be held in full sovereignty, in 'the same manner as the Upper and Lower Alsatia, Suntgau, 'and the provincial prefecture of the ten imperial cities, 'namely, Haguenau, Calmer, Scletstadt, Weisemberg, 'Landau, Oberenheim, Rosheim, Munster in the vale of 'St. Gregory, Keyserberg, and Turingham, with their de- 'pendencies. All and every of these shall be incorporated 'for ever in the crown of France. But the most Christian 'king shall be obliged in all those places to maintain the 'Catholic religion, and to banish thence all innovation 'brought in during the war. The emperor, empire, and 'archduke of Inspruck, Ferdinand Charles, do discharge the 'subjects of those places from all engagements and oaths of 'fidelity; and derogate and make void all decrees, constitu- 'tions, and particularly the article of the imperial capitulation,

'by which the alienation of the rights and poſſeſſions of the 'empire is prohibited (a). In the next diet theſe alienations 'ſhall be ratified anew, and if any propoſal be made hereaf-'ter in a diet, for the recovery of lands or rights of the empire, 'the preſent alienations ſhall not be included therein.

T. M. 81, 82. 'All the fortifications of Benfeld, Rhinau, Saverne, Ho-'henbar, and Neuburg on the Rhine, ſhall be demoliſhed, 'and no garriſon kept there. Saverne ſhall keep an exact 'neutrality, and give the king's troops a free paſſage as of-'ten as required.'

It may be obſerved that, by the expreſſions uſed in this article, the empire meant only to ſooth the magiſtrates and inhabitants of Saverne, in the ceſſion of their city to France.

T. M. 76, 77. 'The kings of France ſhall have a perpetual right to gar-'riſon Philipſburg, and ſhall have free paſſage for his troops 'thither through the empire. But the ſaid king ſhall only 'have the protection of the place; the property, profits, &c. 'remaining to the biſhop and chapter of Spire.

T. M. 72. 'The emperor and empire reſign to France all the rights 'of ſovereignty that do or may belong to them over Pignerol.

T. Pyr. 35. 41. 36, 42. 'France ſhall remain poſſeſſed of all Artois, except only 'the towns, bailiwics, and chaſtellanies of Ayre and St. O-'mer, with their dependencies: In Flanders, of Graveling, 'the forts Philip, Sluice, Hannain-Bourburg, and St. Vi-

(a) As the emperors had endeavoured to incroach upon the rights and privileges of the electors, it was reſolved, upon the death of Maximilian, that before his grandſon Charles V. was admitted to the imperial dignity, certain articles of government, ſtiled 'The Imperial conſtitution,' ſhould be drawn up and ſworn to. This method has ever ſince been conſtantly followed. When the emperor is choſen, the electors lead him to the church, and place him upon the great altar, where the archbiſhop of Mentz gives him the capitulation to ſign, with a promiſe to confirm, [illegible] his coronation, all the liberties and privi[illegible] the electors, and other princes and ſtates of the empire, before enjoy. Some of the principal articles of theſe capitulations are, the obſervance of the golden bull, of the agreement at Auſburg in 1555; of the treaties of Munſter and Oſnabrug; and of ſeveral other articles, making in all 47, which run upon changing nothing in matters of religion; and hinder him from aboliſhed laws, declaring war, impoſing taxes, making peace or alliances, building fortreſſes, or doing any thing that relates to the good of the empire, without the conſent of the ſtates of the empire, and advice of the electors and other princes thereof. Theſe capitulations are like our 'Petition of Right, and Coronation-Oaths.'

'nant

'nant in the county of Hainault, of Landrecy, Quesnoy:
'In the duchy of Lunenburg, of Thionville, Montmedy, 37, 38.
'Damvilliers, Ivoy, Chavancy, Chasteau, and Marville;
'with all their appurtenances.

'La Bassée and Berg St. Vinox, and the royal fort of T. Pyr. 39.
'Berg, which his most Christian majesty has declared he 40, 41, 53.
'will never consent to part with, shall be exchanged for
'Marienburg and Philipville, and their dependencies: Aven-
'nes, with its appurtenances, shall be given to France, and
'the prince of Chimay shall be indemnified for his preten-
'sions by his Catholic majesty, who also engages to
'build no new fortress that may cut off or disturb the com-
'munication of these places with France.

'The king of France shall remain possessed of all the coun- T. Pyr. 42;
'tries on this side the Pyrennees, and the king of Spain of
'those on the other side of the mountains, which shall divide
'the two kingdoms.

'Spain renounces all right and pretensions to whatever was 61;
'yielded to France by the treaty of Munster, and to the
'county of Terrese.'

This county was not resigned to France till the 16th of December, 1660, by a treaty concluded at Paris between Lewis XIV. and Ferdinand Charles, archduke of Inspruck, and confirmed the 4th of June, 1663, by Sigismund Francis, archduke of Inspruck.

'The king of France protests against all prescription and T. Ver. 23.
'lapse of time, with regard to the kingdom of Navarre, and
'reserves to himself a power to prosecute his right to the said T. Pyr. 89.
'kingdom by an amicable way, and not by arms, and also
'all his other rights, which he conceives to belong to him or
'his predecessors.'

All authors, who have writ of the law of nations, agree, that prescription authorizes rights the most doubtful in their origin; and what proves the wisdom of this maxim, is, that it concerns every nation to adopt it. The difficulty is, to know how prescription is acquired: It seems to be solely established by the silence of the party aggrieved, when he is treating with the prince who possesses his property, or when his adversary sells, resigns, or alienates it in any other manner. Silence in these cases is equivalent to consent. Had authors, who have treated of the rights and pretensions of the powers of Europe, set out upon this maxim, they would not have endeavoured to realize the chimeras which the states themselves, in favour of whom they write, durst not avow. To what purpose to talk now of the pretensions of

the empire on the eccleſiaſtical ſtate? of the rights of England on the crown of France? or thoſe of France on the provinces enjoyed by Charles the Great? Without inflaming the ambition and jealouſy of princes, there will be ſubjects of quarrels enough, and the public tranquillity too often diſturbed.' From this maxim of preſcription, it muſt be concluded that each prince rightfully poſſeſſes what has not by any act of proteſtation been claimed ſince the treaties of Weſtphalia.'

T. Pyr. 3. 'If any ſtate or prince whatſoever attacks the king of 'France, or the king of Spain, in what either now poſſeſſes 'or ſhall poſſeſs by virtue of this treaty, the other ſhall not 'any way aſſiſt the ſaid ſtate or prince, though otherwiſe his 'ally.'

This is a wiſe and regular article, if the courts of Paris and Madrid meant only to tie up their hands for the future, that is to ſay, debar themſelves of the liberty of making any engagements reſpectively hurtful to them. But if, as ſome pretend, cardinal Mazarine and Don Lewis de Haro intended that this clauſe ſhould have a retroſpect to the treaties preceding the Pyrenean, nothing would be more irregular or contrary to the principles of ſincerity. For France and Spain would put themſelves under a neceſſity of breaking their preſent convention, or their former engagements with other powers. There are politicians who applaud this manner of treating, as leaving a ſtate free to take, on occaſion, the part moſt favourable to its intereſts. But, is it true that ſo pernicious an advantage may be drawn from thence? A prince who has entered into contrary engagements, is bound to fulfil the prior, becauſe the others are null and ought not to have been made. If the later conventions annul the more ancient, in vain do nations negotiate together. The faith of treaties vaniſhes, all is uncertain, and the law of nations are words without any meaning. The ſame inconveniences are alſo incurred, and all the bands of ſociety are broke, if a prince may renounce his ingagements without the conſent of the party with whom he has made them.

T. Pyr. 3. 'If any breach ſhould happen between the allies of the 'two kings of France and Spain, neither ſhall ingage in the 'quarrel till endeavours have been uſed for an accommoda-'tion, which not ſucceeding, each king ſhall be free to ſup-'port his ally, without any breach of this treaty.'

It is lawful without doubt to act in a hoſtile manner againſt ſtates who aſſiſt our enemies. This principle has in all times been carried into practice, and yet there has prevailed in Europe, ſince the beginning of this century, a new way of think-

thinking on this ſubject. It is pretended, in ſome writings, that it is unlawful to attack a power, who, to perform his engagements, ſends aid to our enemies. It has been obſerved with aſtoniſhment, that ſtates, waging war againſt one another with warmth, have believed, or feigned to believe, that they were ſtill friends, becauſe they were only auxiliaries, and no formal declaration had preceded their hoſtilities.

It would be eaſy to diſcover the cauſe of ſuch a change in the principles of the law of nations; but it ſhall only at preſent be examined, whether it is advantageous to ſocieties to agree that the aſſiſtance, they give their allies, ſhall not alter the friendſhip and good correſpondence which ought to reign among them.

The plenipotentiaries who firſt deviſed this clauſe, had doubtleſs no other end than to ſtrengthen the peace, and prevent the war between two ſtates from ſpreading its ravages, and becoming general; but it may be affirmed, that they were miſtaken in their views. In the firſt place, peace is not thereby more firmly eſtabliſhed; for it is not declarations but hoſtilities that create a ſtate of war between two nations. In the next place, ſo far are the calamities of war from being the leſs extended by it, that, on the contrary, they are rather increaſed. A prince who would not venture to concern himſelf in the quarrels of his neighbours, will take part in the war, when he can do it without making an enemy. The aid he ſhall give will increaſe the flame, which otherwiſe might poſſibly be more eaſily extinguiſhed.

'Twill be to no purpoſe to agree by treaties, that the allies of the two contending powers ſhall not be deemed enemies; a prince will always behold with an evil eye, a nation that contributes to his damage, and will ſeize the firſt opportunity to be revenged. It is next to impoſſible for the paſſions, when put in a fermentation, not to proceed at laſt to an open rupture.

SWEDEN.

'The emperor and empire reſigns to Sweden, as perpetual T. Of. 10.
'and immediate fiefs of the empire, the Higher Pomerania,
'(commonly called Vor-Pomeren) with the iſland of Rugen,
'and in the Farther Pomerania the towns of Stetin, Garts, Dam,
'Golnau, and the iſle of Vollin, with the ſovereignty of the
'river Oder, and the arm of the ſea called Friſchaft; alſo
'the three mouths of the Peine, the Swine, and the Diewe-

'now, with the lands on both ſides, from the bounds of the 'royal territory to the Baltic ſea.

'The elector of Brandenburg ſhall poſſeſs the Farther Po-'merania and biſhopric of Camin.'

There were ſome diſputes afterwards between the courts of Sweden and Berlin concerning the limits. But all difficulties were removed by the treaty of Stetin, in May 1653. By vertue of that treaty the king of Sweden ſhared with the elector the revenue of the tolls payable in all the ports and harbours in Farther Pomerania. It would be needleſs to ſay any thing more of the treaty of Stetin, the diſpoſitions of it were altered by that of St. Germain-en-Laye and Stockholm, as will be ſeen hereafter in the peace of Nimeguen.

T. Of. 10. 'The titles and arms of Pomerania ſhall be common to the 'kings of Sweden and electors of Brandenburg. In caſe of 'failure of heirs male in the houſe of Brandenburg, the Far-'ther Pomerania and biſhopric of Camin ſhall devolve to 'the king of Sweden.

'With the conſent of the empire, the emperor gives to 'Sweden the town and port of Wiſmar, with the fort of 'Walfich, the bailiwicks of Poel, (except ſome villages be-'longing to the hoſpital of the Holy Ghoſt in Lubeck) of 'Newencloſter, and of Wilſhuſen; the archbiſhopric of Bre-'men, and biſhopric of Verden, ſaving to the city of Bre-'men its immunities, which ſhall be left in its preſent ſtate 'in eccleſiaſtical and political matters (b).'

'Queen Chriſtina and her ſucceſſors, kings of Sweden, in 'conſideration of theſe fiefs, ſhall be deemed princes of the 'empire, and have their place and vote in the diets as dukes 'of Bremen, Verden, and Pomerania, princes of Rugen, 'and lords of Wiſmar. They ſhall hold theſe fiefs of the 'empire, and receive the inveſtitures, taking the uſual 'oath.

(b) Great alterations have happened ſince this treaty in the ceſſions made to the Swedes. For by the treaty of Stockholm in 1720, the queen of Sweden reſigned in perpetuity to the houſe of Brandenburg, the city of Stetin, the diſtrict between the Oder and the Pohne, with the iſles of Wollin and Uſedon, which had been given to Sweden by the 10th article of the treaty of Oſnabrug. By the 3d and 19th articles of the ſaid treaty of Stockholm, Sweden alſo yields up the towns of Dam and Holnan. By an explanation of another treaty concluded at Stockholm the 20th of November, 1719, Sweden reſigns to the electorate of Hanover the duchies of Bremen and Verden.

The

'The crown of Sweden ſhall enjoy the privilege of not 'appealing, provided there be eſtabliſhed in theſe fiefs, in 'ſome commodious place in Germany, a tribunal where 'juſtice may be adminiſtred according to the laws and con-'ſtitutions of the empire.'

The electors only have in their dominions tribunals of juſtice to judge without appeal. The ſubjects of the other princes appeal from the ſentence of their judges to the imperial chamber at Wetzler, or to the Aulic Council of the empire (c). The electors of Treves in their territories permit ap-

(c) For the better and more impartial adminiſtration of juſtice, which had been greatly interrupted, the emperor Maximilian, at the ſolicitation of the ſtates, erected a court under the title of 'The Imperial Chamber,' at Worms in 1495. This court was removed to Spire, 1533, and, after the French had barbarouſly ruined the Palatinate, to Wetzler in 1696, where it ſtill remains. The members of this great court of juſtice were a judge of the chamber, 4 preſidents, and 50 aſſeſſors; but in 1719 this number was leſſened by one half, and theſe to be part Proteſtants and part Papiſts.

The emperors had been averſe to ſuch a tribunal, becauſe they ſtill hoped to bring, as in old times, all cauſes in the laſt reſort before a tribunal of their own appointing, whereas the emperor names only the judge and preſidents of the imperial chamber. What former emperors had in vain endeavoured by authority, Maximilian obtained by policy. He foreſaw, the large expence of the imperial chamber, which fell entirely on the ſtates, would make them unattentive to their new tribunal, which accordingly happened. They knew the importance of it, ſtruggled to obtain it, but neglected its ſupport, by which means it was often ſhut up.

The politic emperor took advantage of this, and revived his Aulic Council; and, to ſhew his moderation, deſired the ſtates to add to the number of aſſeſſors eight, though the ſalaries of all are paid by the emperor. By this means he drew all the cauſes to his own tribunal, by keeping it ever open. The princes and ſtates ſaw their error, but could not correct it. For, after all their diſputes, theſe two ſupreme courts ſubſiſt, and almoſt with equal authority, for which firſt poſſeſſes a cauſe, thereby retains it; and both receive appeals from inferior juriſdictions, and decide dubious titles. The ſentences of both, in caſe of injuſtice, may be complained of to the general diet. The Aulic Council conſiſts of a preſident, and ſeventeen aſſeſſors, of whom ſix are Proteſtants. The vice-chancellor of the empire has alſo a right to a ſeat, and all the decrees paſs through his hands, and are directed by him to thoſe who are

appeals to the imperial chamber; it is not clear, however, whether by the golden bull, a ſubject of that archbiſhop can be compelled to appear before a foreign judge, the privilege of not appealing being granted not ſolely to the electors, but alſo to their ſubjects.

'All the ſtates of the empire ſhall contribute towards paying to Sweden, in three payments, the ſum of five millions of rix-dollars.

THE CATHOLICS, THE PROTESTANTS, THE REFORMED.

T. Oſ. 5. 'For the redreſs of the religious grievances which have partly occaſioned the war, it is agreed, that the tranſaction of Paſſau in 1552, and the peace of religion which enſued in 1555, ſhall be inviolably obſerved as it was confirmed at Auſburg in 1556, and ſhall ſerve for foundation to the 5th article of the treaty of Oſnabrug. There ſhall be an exact equality between the electors, princes, and ſtates of both religions according to the conſtitutions of the empire, all violence and force between the two parties being for ever prohibited (d).

T. Oſ. 2. 'The cities of Auſburg, Dunckelſpiel, Biberach, and Ravenſburg, ſhall retain the exerciſe of religion as on the 1ſt of January 1624. The magiſtracies and public offices ſhall be held by an equal number of Catholics and Proteſtants. If the number be unequal, each religion ſhall have alternately an additional magiſtrate of the ſame con-

to execute them. There is one circumſtance wherein theſe tribunals differ, the imperial chamber ſubſiſts during a vacancy of the throne, when juſtice is adminiſtered in the name of the vicars of the empire; but the aulic council is diſſolved by the death of the emperor; and a new one cannot be choſen till an emperor is elected.

The Papiſts, and eſpecially the Proteſtants, both complain of the too great authority of this tribunal; but hitherto they have not been able to reſtrain its power and reſtore to the imperial chamber its original and legal juriſdiction.

There are aulic-councils or tribunals of juſtice in the ſtates of the ſovereign princes, either with or without appeals to the imperial chamber or aulic-council of the empire.

(d) This article has been ſo often violated, that it may be ſaid to exiſt only in idea. The intolerant ſpirit of the Romiſh clergy breaks thro' all obſtacles, and the 4th ſeparate article of the treaty of Ryſwic has given a mortal blow to liberty of conſcience.

feſſion.

ſeſſion. As to offices held by a ſingle perſon, they ſhall be filled by turns by Catholics and Proteſtants. The city of Auſburg having a council of ſeven ſenators, two of which have the title of preſident, and the other five of counſellors, the Catholics ſhall always have one preſident and three counſellors of their religion; but if the Catholics abuſe the plurality of the ſuffrages to the prejudice of the Proteſtants, it ſhall be lawful for thoſe laſt to have recourſe to the alternative of a fifth counſellor.

The inhabitants of Oppenheim who profeſs the Auſburg confeſſion, ſhall be put in poſſeſſion of their churches and eccleſiaſtical eſtates as they were in the year 1624; and all other Proteſtants ſhall have the free exerciſe of their religion. T. M. 27.

The nobility who hold immediately of the empire ſhall enjoy the ſame rights in matters of religion with the electors, princes, and ſtates of the Germanic body. T. Of. 5.

The counts, barons, nobles, towns, monaſteries, commendams, communities, who are ſubjects of the ſtates holding immediately of the empire, eccleſiaſtical or ſecular, Catholic or Proteſtant, ſhall retain the free exerciſe of the religion they profeſſed the 1ſt of January 1624. Thoſe who are not of the religion of their ſovereign, and who at that time did not enjoy the public or private exerciſe of their religion, ſhall be free to attend their devotions in their own houſes, and even to be preſent at the public ſervice performed in their neighbourhood. They ſhall enjoy, moreover, all the civil privileges granted to thoſe of the eſtabliſhed religion.

In caſe that thoſe who had not on the 1ſt of January 1624, the public or private exerciſe of their religion, or who ſhall change their religion, have a mind, or are ordered to remove, they ſhall be at liberty to ſell or keep their effects, to have them adminiſtered, and to viſit them freely without a paſſport. The firſt ſhall have five years allowed to remove, the others three, reckoning from the day of notice from their territorial lord. Ibid.

The eccleſiaſtical benefices enjoyed by Catholics in 1624, ſhall remain in their hands for ever, and thoſe poſſeſſed in the ſame year by Proteſtants ſhall remain with them in like manner. If any eccleſiaſtic ſhall for the future change his religion, he ſhall forfeit his benefice, but without reſtoring the revenues he ſhall have conſumed. Ibid.

In

Ibid. ‘ In the places of the Auſburg profeſſion, where the emperor enjoys the right of Firſt Prayers, he ſhall always name a Proteſtant (e). In the ſame places, the pope ſhall have no right of annats, pall, confirmation, &c. and whoever ſhall demand ſuch rights in his name, ſhall not be ſupported by the ſecular arm. Such as are choſen or ſtand for archbiſhopricks, biſhopricks, or prelacies of the confeſſion of Ausburg, ſhall receive inveſture of the emperor, after having within the year paid homage and taken the uſual oaths of fidelity. In the places where both religions are admitted, the pope ſhall preſerve his right with regard to Catholic benefices. The emperor ſhall not exerciſe his right of Firſt Prayers in favour of a Catholic but on the benefices of thoſe who are of the Romiſh religion.

Ibid. ‘ The electors, princes, &c. of the confeſſion of Auſburg, ſhall poſſeſs all the eccleſiaſtical benefices they enjoyed in 1624, and the Catholics, of what condition ſoever, ſhall be reſtored to what they held in the ſame year in the ſtates of the Lutheran princes.

‘ If any elector, prince, lord of territory, &c. change his religion, or acquires, by inheritance or otherwiſe, any ſtate profeſſing a religion different from his, he ſhall be allowed to have in his court and about his perſon, miniſters of his religion; but ſo, as to be no expence to his ſubjects or prejudice to their religion. If any community embrace the doctrine of their prince or lord, and deſire leave to have at their coſt the ſame exerciſe of religion, the prince or lord ſhall grant them that favour, which it ſhall not be in the power of his ſucceſſors to reverſe.

Ibid. ‘ In the ordinary aſſemblies, as well as in the general diets, the number of the deputies of both religions ſhall be equal. When an affair requires extraordinary commiſſaries, they ſhall be taken among the Proteſtants, if the point in queſtion concerns the Lutherans. If the diſpute relates to the Catholics, the commiſſaries ſhall be ſo: If it ariſes between Catholics and Proteſtants, there ſhall be an equal number of commiſſaries of both religions.

Ibid. ‘ The tribunal of the imperial chamber ſhall be compoſed of a Catholic judge, four preſidents named by the emperor, of whom two ſhall be of the Auſburg profeſſion; of twen-

(e) the right of Primæ Preces or firſt prayers, is the right of filling, for once only, a vacant ſeat in every chapter of the empire; and it anſwers to the privilege of our archbiſhop of Canterbury called an Option.

‘ ty-ſix

ty-six Catholic aſſeſſors and twenty-four Proteſtants. The judges of the aulic-council ſhall conſiſt of an equal number of both religions. If all the Catholics ſhall be of one opinion and all the Proteſtants of another, the affair to be decided ſhall be referred to the general diet of the empire.

The dukes of Brieg, Lignitz, Munſter, Berg, and d'Oels, and the city of Breſlau, ſhall be maintained in the privileges they enjoyed before the troubles of Bohemia, and in the free exerciſe of their religion. The Lutheran counts, barons, nobles, &c. in the duchy of Sileſia, who depend on the royal chamber, ſhall be allowed to aſſiſt at the public ſervice of their religion in their neighbourhood, and to build three churches at their own coſt near the cities of Sweidnitz, Jant, and Glogau.

The ſame liberty that is granted to Catholics and Lutherans, ſhall alſo be allowed to thoſe who call themſelves the Reformed. Except theſe three religions, no other ſhall be received or tolerated in the empire. T. Of. 7.

This article ſeems to regard only ſubjects, ſince, on account of the fiefs he enjoys in the empire, it was not objected againſt the duke of Holſtein, preſumptive heir of the crown of Ruſſia, when he embraced the Greek religion.

ELECTORS, PRINCES, AND STATES OF THE EMPIRE (f).

For preventing any diſputes that may ariſe for the future in the political ſtate, the electors, princes, and ſtates of the T. M. 64.

(f) After the extinction of the family of Charles the great, who conquered Germany and Lombardy, the empire became elective, and great diviſions and diſſentions aroſe, which at laſt were ſettled in the reign of Charles IV. by the Golden Bull, or Magna Charta of Germany.

This edict or law was made in the year 1356, in a diet of the ſtates at Nuremburgh. It is called Golden, becauſe it has a gold ſeal in the form of a pope's bull. It contains thirty chapters, concerning the form and ceremonies of the election of the emperors; the number, rights, and functions of the electors, and all that belongs to the government of the empire in general. The electors were thus ſettled: The archbiſhop of Mentz, as great chancellor of Germany; the archbiſhop of Cologn, as great chancellor in Italy; the archbiſhop of Treves, as

'the Roman empire, ought to be ſo confirmed by virtue of 'this treaty in their ancient rights, prerogatives, privileges 'in the free encreaſe of territorial right, in matters eccleſiaſtical and political in their dominions, in their rights of 'the regale, that no perſon may have it in his power or 'choice to give them moleſtation on any pretence whatſoever. They ſhall enjoy the right of ſuffrage in all deliberations concerning the affairs of the empire; particularly 'when laws are to be made or interpoſed; war to be declared; contributions to be impoſed; levies of troops to 'be made, and their quarters regulated; new fortreſſes to

as great chancellor in Gaul and Arles; the king of Bohemia, as cup-bearer; the count Palatine, as high-ſteward; the duke of Saxony, as grand-marſhal; and the margrave of Brandenburg, as grand-chamberlain, were the ſeven electors. To theſe have ſince been added, the duke of Bavaria, and duke of Brunſwick, as arch-treaſurer.

The general diet of the empire conſiſts of the electors, princes, ſtates, prelates, counts, barons, and free cities. The elector of Mentz, as high-chancellor, is the director or ſpeaker. The members of the diet are divided into three Colleges: I. The electoral college. II. the college of princes, in which ſit not only the ſpiritual and temporal princes of Germany, but the prelates who are not conſidered as princes, and the counts of the empire. The temporal and ſpiritual princes have each ſingly a vote; but the prelates and counts vote by benches, each bench having one vote. III. The college of the free or imperial cities. Theſe cities, in the times of confuſion, confederated for the benefit of trade, and for mutual defence againſt the princes, and at length became ſo powerful as to make the third eſtate or college of the empire. Bremen is ſaid to begin the aſſociation in the the year 1164. There are now about ſixty imperial cities, or hans-towns in Germany.

The empire was divided by Maximilian, about the year 1500, firſt into ſix, and, twelve years after, into ten circles; namely, Franconia, Bavaria, Suabia, the Upper Rhine, Weſtphalia, Lower Saxony, Auſtria, Burgundy, the Lower Rhine, and Upper Saxony. In each of theſe circles there is a director for the management of civil, and a chief for regulating military affairs. The directors are fixed, but the chiefs or generals are choſen by the circles; each circle appointing the general to command the forces it is obliged to find in defence of the empire. To the directors the imperial chamber commit the execution of their decrees. The circles having many things to manage, hold frequent diets, in which they take meaſures for their ſafety, and upon occaſion, they negotiate with the diets of other circles; and when this is done with a view to ſome certain point, they are ſtiled Confederate Circles.

'be

'be raiſed in the name of the public in the territories of the 'ſtates, or garriſons to be placed in the old; and alſo when 'any treaties or alliances are to be concluded; none of 'theſe and other things of the like kind ſhall be undertaken or 'permitted without the ſuffrages of all the ſtates of the em- 'pire aſſembled in the diet. They ſhall have perpetual 'right of making alliances among themſelves and with 'foreigners, provided ſuch alliances are not directed againſt 'the emperor and empire, againſt the public peace, or the 'preſent treaty in particular.

'The free cities, both in the general and particular diets, T. M. 'ſhall have deciſive votes, and enjoy all their ancient rights, 67. 'cuſtoms and privileges.

The Ban of the empire is one of the moſt important points of the Germanic law. The Golden-Bull ſays nothing of its form; It is ſurprizing that the plenipotentiaries of Weſtphalia ſhould be ſatisfied with referring the manner and or- T. Os. der to be obſerved in putting it in execution to the next diet, 8. which was to meet within ſix months after the concluſion of the treaty. In this diet it was ſettled, that the emperor ſhould not put any prince or ſtate under the ban without the conſent of the electors. The colleges of the princes and imperial cities juſtly complained, and notwithſtanding the numberleſs papers publiſhed on that occaſion, they could not obtain the ſatisfaction they required, till the acceſſion of Charles VI. to the imperial throne. The electors inſerted Art. 20. in his capitulation, that he ſhould not pronounce the ban without the knowledge and conſent of the electors, princes, and ſtates of the empire (g). This emperor expreſſes himſelf thus, concerning the forms to which he ſubmitted himſelf on theſe occaſions: 'When the proceſs is about to 'end, the acts of it ſhall be laid before the general diet, to be 'taken into conſideration, and examined by deputies of the 'three colleges of the empire, half Catholics and half Pro- 'teſtants, who ſhall be expreſsly ſworn for that purpoſe. 'Their opinion ſhall be reported to the electors, princes, 'and ſtates aſſembled, who ſhall pronounce thereon the 'final concluſion. The ſentence, after confirmation by us 'or our commiſſaries, ſhall be publiſhed in our name, and 'the execution ſhall no otherwiſe be accompliſhed than by 'the tenor of the regulations of execution, and by the ſame

(g) Though this was inſerted in the capitulation of the emperor Joſeph, yet he, by his own authority, put under the ban of the empire the electors of Cologn and Bavaria.

'circle

'circle to which the proſcribed perſon belonged, or where he 'inhabited. We will detain nothing of what ſhall be for-'feited, either for ourſelves or our houſe, but the whole 'ſhall be incorporated in the empire; and, before all things, 'the injured party ſhall receive ſatisfaction.'

This clauſe was inſerted in the capitulation of the emperor Charles VII, and ought to be conſidered as part of the treaties of Munſter and Oſnabrug; the plenipotentiaries having
T. M. 65. beforehand guarantied what ſhould be decided in the affair by the princes of the empire.

HOUSE OF AUSTRIA.

T. M. 89. 'France ſhall pay, in three equal payments, the ſum of 'three millions of livres Tournois to Ferdinand-Charles, 'archduke of Inſpruck, after Spain ſhall have conſented to 'the alienation of Alſatia and the other ceſſions by the treaty 'of Munſter.'

This prince being dead, the three millions were paid to his brother Sigiſmund-Francis in 1663, 1664, and 1665.

HOUSES OF BAVARIA, PALATINE, AND BRANDENBURG.

T. M. 11, 12. 'The houſe of Bavaria ſhall remain poſſeſſed of the electo-'ral dignity, the Upper Palatinate, and the county of Cham,
T. Of. 4. 'formerly belonging to the electors Palatine. In virtue of 'this ſeſſion, the elector of Bavaria ſhall renounce all the 'debt of thirteen millions, and all his pretenſions to the Up-'per Auſtria.'

The duke of Bavaria, though he was omitted at the time when the number of electors was ſettled by the golden bull, had formerly enjoyed the electoral dignity alternately with the counts Palatine. The elector Maximilian-Emmanuel, in his manifeſto againſt the emperor Leopold, in the beginning of the year 1701, expreſſes himſelf thus:

'The electoral dignity is very ancient in my houſe, by the 'concordat of Pavia, between the emperor Lewis of Bava-'ria (from whom I am deſcened) and Adolphus, ſon of Ro-'dolphus of Bavaria, brother to the emperor Lewis, and 'author of the Rodolphin branch. This dignity, which be-'longed to the houſe of Bavaria, was to be enjoyed alter-'nately by the chiefs of the two branches of which that

'houſe

'houſe was then compoſed. Some time after the Pavian concor-
'dat, the emperor Charles IV, declared enemy of the prin-
'ces of my branch, publiſhed the golden bull, wherein he 1356.
'appointed that the eldeſt ſons of the electors ſhould always
'ſucceed their fathers. A prince of the Rodolphin branch
'enjoyed the electorate of my houſe when that bull was pub-
'liſhed. His ſon, by virtue of this golden bull, kept poſ-
'ſeſſion of the electorate, which by the Pavian concordat
'was to come to the eldeſt of my branch. His uſurpation
'was continued by his deſcendants, notwithſtanding the pro-
'teſtations of my anceſtors ſo often repeated and renewed in
'full diet by duke William of Bavaria, my great grand-
'father.'

'An eighth electorate ſhall be created in favour of the T. M. 133,
'count Palatine, his heirs and ſucceſſors of the Rodolphin &c.
'branch, together with all the Lower Palatinate, and in
'caſe the Willelmine branch ſhould happen to be extinct,
'and the Rodolphin ſurvive, then the Upper Palatinate and
'county of Cham ſhall return to the Palatine, and the eighth
'electorate ſhall be ſuppreſſed.'

The treaties of Weſtphalia have ſettled nothing about the vicariate of the empire (h). At the death of Ferdinand III,

(h) When there is no king of the Romans, (that is, no perſon choſen in the emperor's life-time as his preſumptive heir, who upon the emperor's deceaſe immediately fills the throne upon his coronation, without a ſecond election), the golden bull has provided for the adminiſtration of the government, by the electors Palatine and of Saxony, who have the title of Vicars of the empire. Each of theſe has his diſtrict, and they have likewiſe an Aulic Council, called the Tribunal of the Vicariate. Their acts are valid and binding; and, for the greater ſecurity, care is taken to inſert an article in the new emperor's capitulation, by which he promiſes to ratify in the fulleſt manner, whatever the vicars of the empire have done during the vacancy.

There are vicars of the emperor, as well as of the empire, but theſe offices widely differ. For, by virtue of his imperial power, the emperor may delegate his power to any prince in the empire, when he is not in a condition to execute it himſelf. But then this vicar is accountable to the emperor, who may annul all his acts, or even reſume his office whenever he pleaſes.

There is alſo a vicariate of the empire in Italy, which has generally been executed by the dukes of Savoy.

Hence it appears, that unleſs the emperor is deſirous of having a ſucceſſor appointed in his life-time, there can be no ſolid reaſon

the elector of Bavaria claimed that dignity as annexed to his electorate, or rather to the Upper Palatinate, of which he was poſſeſſed. The elector palatine maintained, on the contrary, that the vicariate belonged to him as count of the Lower Palatinate; and the golden bull ſeems to favour his pretenſions, where it is ſaid, 'whenever the empire ſhall become vacant, the illuſtrious count Palatine of the Rhine, 'high-ſteward of the holy Roman empire, ſhall be vicar of 'the empire.' 1. It is not natural that it ſhould be forgot to give the title of elector to the count Palatine, if the vicariate had been annexed to his electorate. 2. The golden bull calls him count Palatine of the Rhine, from whence it might be inferred that he was vicar of the empire by virtue of the Lower and not of the Upper Palatinate. This queſtion divided the whole empire, and in vain did arbitrators offer to decide it. Theſe two princes, in May 1724, came to an agreement, that for the future they ſhould exerciſe the office of vicar in common in ſome neutral place appointed for that purpoſe. Accordingly the vicariate was ſo adminiſtered in the vacancy of the empire, after the death of Charles VI. Several princes proteſted againſt this agreement, which, to have the force of a law, ought to have had the conſent of the emperor and the diet. At the death of the emperor Charles VII, the elector of Bavaria, his ſon, came to a new agreement, whereby the vicariate was to be exerciſed alternately.

Purſuant to the 48th article of the treaty of Munſter, and the 4th of Oſnabrug, wherein it was agreed that the ſucceſſion of Juliers (undecided ſince the year 1609) ſhould be ſettled without delay. Frederic-William, elector of Brandenburg, and prince William, Palatine of the Rhine, duke of Newburg, ſigned at Cleves the 9th of September, 1666, a treaty which was afterwards confirmed by the emperor Leopold.

T. Clev. 4. 'The duke of Newburg and his heirs ſhall keep the duchies of Juliers and Bergs, and the lordſhips of Winnendaal 'and Breſques. The elector of Brandenburg and his heirs 'ſhall poſſeſs the duchy of Cleves and the counties of 'La Marc and Ravenſberg.'

The county of Ravenſtein, about which the parties did not agree in 1666, has ſince been ceded to the Palatine houſe.

reaſon aſſigned for the electors giving him an aſſociate, under the title of King of the Romans, ſince the emperor may devolve any part of his authority, upon any prince he thinks proper, with the character of Vicar.

'The

'The countries of the ſucceſſion of Juliers ſhall remain in- ibid. 6.
'violably allied. The contracting parties ſhall uſe the titles
'in common, and mutually guaranty the poſſeſſion.'

'The treaty of Cleves ſhall in no way be detrimental to ibid. 7.
'the pretenſions, any princes may form, to the ſucceſſion of
'Juliers.'

This clauſe of reſerving the rights of Saxony and Deux-Ponts, ſeems to make this treaty of Cleves only a proviſional agreement. But how can ſuch a clauſe be reconciled with the mutual guaranty between Brandenburg and Newburg? Theſe kinds of contrarieties are too often to be found in treaties. This of Cleves, where the Palatine branch of Newburg is only mentioned, might have met with objections at the death of the laſt elector Palatine: they were removed by the treaty, the prince of Saltzbach concluded with the king of Pruſſia, by which the partition, and other diſpoſitions of 1666, are confirmed.

'As an equivalent for reſigning the Hither Pomerania to T. of 11.
'the Swedes, the elector of Brandenburg and his ſucceſſors,
'princes of his houſe, ſhall hold as immediate fiefs of the
'empire, the archbiſhopric of Magdeburg, excepting the
'four bailliwicks of Querfurt, Guterbok, Dam, and Borck,
'given to the elector of Saxony; the biſhoprics of Halber-
'ſtadt, Minden, and Camin. The city of Magdeburg ſhall
'enjoy all its ancient and other privileges; the bailliwic of
'Eglen, which belonged to the chapter, ſhall be given to
'Brandenburg, with a fourth part of the canonicates. The
'chapter of Halberſtadt ſhall have no right in the govern-
'ment of the biſhopric, and a fourth part of the canonicates
'ſhall be extinguiſhed: Minden ſhall preſerve all its pre-
'bends, and thoſe of Camin ſhall be ſuppreſſed and united
'to the Farther Pomerania *.'

* See art. Sweden above.

HOUSES of MECKLENBURG, BRUNSWIC-LUNENBOURG, HESSE, and BADEN.

'In conſideration of the duke of Mecklenburg's reſigning T. of 12.
'the town and port of Wiſmar to the Swede, he ſhall have,
'as a perpetual and immediate fief, the biſhoprics of Swerin
'and Ratzburg, with the power of ſuppreſſing the canoni-
'cates of the two chapters, and alſo a ſeat in the aſſemblies
'of the empire, and of the circle of Lower Saxony, with the
'double title and voice of a prince. For farther ſatisfaction
'to the ſaid duke, there ſhall be given to him the two com-

'mendams of Mirow and Nimerau belonging to the order of 'Malta.'

In 1667, Chriſtian Lewis, duke of Mecklenburg, put himſelf and dominions under the ſpecial protection of France, upon a promiſe of defence againſt all his enemies. The duke engaged, on his part, to aid the French with all his forces, to receive them into his ſtates, to ſuffer them to raiſe recruits, whenever the diſpoſitions of the peace of Weſtphalia were to be maintained.

T. Of. 13. 'The houſe of Bruniſwick-Lunenburg ſhall have the alternate ſucceſſion of the biſhopric of Oſnabrug, with the Catholics, for reſigning the coadjutorſhips of Magdeburg, Bremen, Halberſtadt, and Ratzburg; and alſo the provoſtſhip of Walkenried and monaſtery of Groeningen. The 'debt contracted by duke Ulric with the king of Denmark, 'and granted by the ſaid king to the emperor, who gave it 'to count Tilly, ſhall be annulled.

T. Of. 15. 'The houſe of Heſſe-Caſſel ſhall retain the abbey of 'Hirſfield with all its dependencies, as the provoſtſhip of 'Gelingen, ſaving however the rights of the houſe of 'Saxony to what it poſſeſſes time immemorial.

T. M. 52. 61. T. Of. 15. 'The landgrave of Heſſe and his ſucceſſors ſhall enjoy the 'bailiwics of Schaemburg, Ruckenburg, Saxenhagen, and 'Stettenhagen, which belonged to the biſhopric of Minden. 'The right of primogeniture, introduced into the houſes of 'Heſſe-Caſſel and Heſſe-Darmſtadt, ſhall be inviolably ob-'ſerved.'

By the right of primogeniture is meant in the empire the indiviſibility of the dominions. 'We will (ſays Charles IV, 'in the golden bull) that for the future and for ever, the great 'and magnificent principalities, ſuch as the kingdom of Bo-'hemia, the county Palatine of the Rhine, the dukedom of 'Saxony, and the marquiſate of Brandenburg, their lands, 'juriſdictions, homages, and vaſſalages, with their appurte-'nancies and dependences, ſhall not be ſhared, divided, or 'diſmembered in any manner whatſoever; but ſhall remain 'united for ever whole and entire. The eldeſt ſon ſhall ſuc-'ceed, and the whole domain and right ſhall belong to him 'alone.' For a long time none but the electoral territories enjoyed this privilege.

T. M. 36. 'The precedency in the aſſemblies of Swabia, and in 'other general or particular diets of the empire, ſhall be al-'ternative in the two branches of the houſe of Baden.'

SPAIN.

'All the articles of the treaty of Vervins, concluded in the year 1568, which are not derogated by the treaty of the Pyrennees, are again approved and confirmed.' T. Pyr. 108.

'Spain proteſts againſt all preſcription, and reſerves to itſelf the proſecution of all rights in an amicable way, and not otherwiſe, which have not been expreſsly renounced, and which are claimed upon France.'

Theſe reſerves, the work of ambition, were only propet to inflame it. Obſolete rights are almoſt null, in ſpite of proteſtations; that is, they are commonly looked upon as neglected pretenſions, and a prince who ſhould think of purſuing them by force of arms, would be accuſed of injuſtice and breaking the peace. In the treaty of Ryſwick in 1697, the French and Dutch renounced all their reſpective pretenſions. Well would it be if this example was followed. The circumſtances of the courts of Paris and Madrid, at the time of the treaty of Vervins, required the before-mentioned reſerves. The French and Spaniards had againſt each other the ſtrongeſt motives of enmity. They had not yet weakened one another ſufficiently to be ſincerely reconciled. The peace of Vervins was therefore really conſidered by Henry IV. and Philip II. only as a truce convenient for their affairs, and of which they meant only to avail themſelves, to attack one another with more vigour. In theſe diſpoſitions it was natural that neither party ſhould recede from what could be refuſed, or what might be made the ground of ſome pretenſion, and even of a rupture. Affairs had taken a new turn, when the Pyrennean treaty was concluded. The two crowns, tired with a revenge, of which they were the victims, could make a ſolid peace becauſe they had felt all the inconveniencies of a war. Perhaps cardinal Mazarine would have renounced the reſerves made at Vervins, if he had not feared that his vigilant enemies would have charged him with relinquiſhing ſomething real, and betraying the intereſts of his country. T. Ver. 24. T. Pyr. 90.

When the king of Spain ſaid, he reſerved all the rights which he had not expreſsly renounced, his ſincerity ought not to be ſuſpected. It is the ſame thing as if he had ſaid, ſimply, that he reſerved the rights he had not renounced. This is never ſet down in ſo many words in a treaty, nor is inſerted at all. There may indeed be in treaties, as in all

other contracts, articles underſtood and preſumed; but the politicians ſeem to have juſtly made it a rule to have no regard to them. The more ſacred the faith of treaties is, the more care ſhould be taken not to give it the leaſt blemiſh. Should treaties be ſo framed as to become the object of the ſubtleties and ſophiſms of ambition and intereſt? There would be nothing ſacred among nations, if tacit conditions are admitted in their conventions; for it is but too well proved by woful experience, that men's paſſions blind them in their cleareſt and moſt evident engagements (a).

Every one remembers that in the year 1733 the court of France ſent ſome battalions to the aſſiſtance of Dantzick, where Staniſlaus, king of Poland, was beſieged by the Ruſſians. This weak body of troops was obliged to capitulate, and the commanding officer was contented with the ſtipulation of tranſporting them to a port in the Baltic-Sea. The preſumed intention of the French was to be free, and they certainly underſtood that they ſhould be tranſported to a neutral port; and yet count Munick ſent them to Peterſburg, where they were treated as priſoners of war. If the condition preſumed and underſtood, of a treaty or capitulation, had any force, France and her allies would not have failed to complain to the Ruſſian court of the treachery of their general. Nothing was ſaid, only the French officer was blamed for his ignorance, and count Munick was ſaid to know how to avail himſelf of all his advantages.

This remark ſerves to juſtify negotiators in the eyes of the world, who ſeeking in their treaties a certain conciſeneſs which would be a great fault, complain of finding there circumſtances which to them ſeem ſuperfluous. All the particular caſes and parts of an ingagement cannot be too carefully expreſſed and ſeparated. Plenipotentiaries make this a law, unleſs it be in the reduction of an article, by which they have not obtained what was deſired. Then they uſe vague and equivocal turns and expreſſions which may give occaſion for ſome explication. In the letters of cardinal Mazarine it

(a) From this very juſt reflection, it may be inferred, that nothing is more unreaſonable than the alliance of France with Bavaria in 1741, and the war that enſued in contempt of the guaranty ſtipulated in the 10th article of the definitive treaty of 1738, to which the ambition and intereſt of France gave the ſubtle interpretation of Saving the Rights of a Third, which is the motive of her enterprizes againſt the houſe of Auſtria.

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appears, how much pleaſed he is to give ſuch a turn to ſome paſſages of the Pyrennean treaty, as France might take advantage of them in certain conjunctures (b).

'The infanta Maria-Tereſa, eldeſt daughter of Philip the IVth, ſhall eſpouſe Lewis XIV. And as the public welfare and ſafety of the crowns of France and Spain require that, being ſo great and powerful, they may not be united in one, and that from henceforth the occaſions of ſuch a junction be prevented, their moſt Chriſtian and Catholic majeſties agree that the infanta Maria-Tereſa, and her children, male or female, and their deſcendants, ſhall not ſucceed to any of the dominions which now do or ſhall hereafter belong to the Spaniſh monarchy. The moſt ſerene infanta ſhall make, before her marriage, a formal renunciation to all her rights, and ſhall make another jointly with the moſt Chriſtian king, as ſoon as ſhe ſhall be married.' T. Pyr. 33

Theſe words are prefixed to the contract of marriage of the infanta with Lewis XIV, which is part of the Pyrennean treaty.

HOUSES OF SAVOY, MANTUA, AND MODENA.

'To prevent diſputes reviving between the dukes of Savoy and Mantua concerning Montſerrat, it is agreed that the treaty of Queraſque, concluded the 6th of April, 1631, between Lewis XIII. and the emperor Ferdinand II, ſhall remain in full force. The duke of Savoy ſhall be maintained in the poſſeſſion of that part of Montſerrat which has been reſigned to him. And the ſaid duke renounces all his pretenſions to the dukedoms of Mantua and Montſerrat, and as a compenſation ſhall poſſeſs the city of Trin, with a T. M. 92. T. Pyr. 94. T. Quer. 1.

(b) Of this there is a remarkable inſtance in the cardinal's treaty with Oliver Cromwell, by which Cromwell was to have the harbours of Flanders. In the tenth article, inſtead of promiſing to put him in poſſeſſion of the ſaid harbours, the cardinal only promiſes to leave the lord Protector in the quiet poſſeſſion, ſovereignty, &c. of the ſaid places.——Accordingly the cardinal, after the taking of Dunkirk, ordered marſhal Turenne to take poſſeſſion of it and keep it. Had this been done, both the reaſon and reſult of the treaty had been very different. But Cromwell, by a timely diſcovery of the cardinal's deſign, prevented it, and got poſſeſſion of Dunkirk.

'territory ſufficient to produce fifteen thouſand and fifty crowns of gold.'

'Pignerol ſhall be excepted out of the treaty of Queiraſque, which the duke of Savoy has reſigned to France by particular treaties; namely, the treaty of St. Germain-en-Laye, May 5, 1632, and of Turin, July 5, 1632.'

It is needleſs to obſerve that France, on the 31ſt of May, 1631, concluded a private treaty with the duke of Savoy, by which the poſſeſſion of Pignerol was ſecured.

T. M. 93. 'In execution of the firſt article of the treaty of St. Germain-en-laye, the king of France ſhall pay to the duke of Mantua the ſum of four hundred ninety-four thouſand crowns, and his debtor the duke of Savoy ſhall be diſcharged from the ſame.'

T. M. 97. 'The caſtles of Reggiolo and Luzzara, with their territories, ſhall be comprized in the inveſtiture of the duchy of Mantua. The duke of Guaſtalla ſhall be obliged to reſtore the ſaid caſtles, reſerving the annual penſion of ſix thouſand crowns, which he claims as his due.

T. Pyr. 97. 'Spain conſents to keep garriſon no more in Correggio, and promiſes to ingage the emperor to the inveſtiture of it to the duke of Modena in the ſame manner as he gave it to the princes of Correggio.'

HOUSE of LORRAIN.

T. Pyr. 62, &c. 'The moſt Chriſtian king conſents to reſtore the duke of Lorrain to his dominions, except the imperial city of Moyenvie, united to France by the treaty of Munſter: the duchy of Bar, the county of Clermont, the towns of Stenai, Dun, Jametz, and their territory, which ſhall remain for ever incorporated in the crown of France. The fortification of Nantz ſhall be demoliſhed. The dukes of Lorrain ſhall diſband their forces, and be obliged to give free paſſage to the troops France ſhall have occaſion to ſend into Alſatia, Briſac, or Philipſburg. In caſe the duke of Lorrain refuſes to ratify theſe conditions, the king of France ſhall remain in poſſeſſion of Lorrain.'

Theſe conditions left hardly any thing to the duke of Lorrain but an empty title. It was reſolved to puniſh him for his infidelities, and prevent the dangers to be feared from his inconſtancy. Preſſed however by the moſt earneſt ſollicitations,

tions, cardinal Mazarine agreed by the treaties of Vincennes, of the 28th of February, 1661, to reſtore to the duke of Lorrain, Dun, and the duchy of Bar, on condition that France ſhould remain poſſeſſed of Sirk, with its thirty dependent villages; hold in full ſovereignty Cauſinan, Saarburg, Phalſburg, with the dependencies of Marville belonging to Bar, and alſo enjoy the rights over the caſtle of Montclair, which the dukes of Lorrain held jointly with the elector of Treves. It would be tedious to name all the places which were reſigned to France by the duke, and which formed a paſſage for the French troops from Metz into Alſatia, without touching the duke's dominions. This road was half a league wide and thirty in length.

In conſequence of his rights on Montclair, the king of France at Fontainbleau, the 12th of October 1661, concluded a treaty with the elector of Treves. It was agreed that the caſtle of Montclair ſhould be demoliſhed for ever.

The duke of Lorrain had no ſooner agreed to the articles of the treaty of Vincennes, than he repented of it, and was extremely uneaſy at his ſituation. He entered upon a negotiation which ended in a moſt extraordinary treaty, and which is univerſally known, the treaty of Montmartre, the 6th of February 1662. The duchies of Lorrain and Bar were to be united to the kingdom of France, after the death of Charles IV, on condition that all the princes of his houſe ſhould be ingrafted into the royal family, and ſucceed to the crown according to their rank of primogeniture, after the princes of the houſe of Bourbon. Till this union was compleated, the king of France was to begin with garriſoning Marſal.

This treaty did not take place, and to end all differences concerning Lorrain, a new agreement was ſigned at Metz the 31ſt of Auguſt 1663. The king was to be put in poſſeſſion of Marſal, with a clauſe to reſtore it within a year to the duke of Lorrain, with the fortifications blown up, or to keep it, giving an equivalent. The treaty of Vincennes was confirmed in all its articles, except only that the duke might incloſe Nantz with a bare wall.

THE UNITED-PROVINCES.

M. M. 1. Between Spain and Unit. Pro.

'Philip IV. king of Spain, acknowledges the freedom, 'independence, and ſovereignty of the United-Provinces, 'renounces all his rights thereto, and conſents to treat with 'the States-general.'

It may be aſked, whether the States-general, by virtue of this treaty, acquired the rights and pretenſions the kings of Spain had formed upon ſome of their neighbours, as dukes of Guelders, counts of Holland, &c. The ſolution of this queſtion has been given in what was ſaid of the tacit and preſumed conditions of a treaty. The States-general of the United-Provinces, and the particular ſtates of each province, having neglected to ſtipulate that they ſtood in the place and ſtead of the kings of Spain, acquired only the right of governing themſelves: All beyond that remained to the kings of Spain and their ſucceſſors in the ſovereignty of the Netherlands.

Ibid 3.

'Beſides the United Provinces, the States-general ſhall 'hold and enjoy the town and mayoralty of Bois-le-Duc, 'the towns of Bergen-op-zoom, Breda, Maeſtricht, with 'their juriſdiction; the county of Vroonhoff, Grave, the 'country of Kuik, Hulſt and its Bailliwick; Hulſter-Am-'bacht, Axele-Ambacht. As to the three quarters of 'Outremeuſe, namely, Dalem, Fauquemont, and Role-'duc, they ſhall remain in their preſent ſtate, and in caſe of 'diſpute, it ſhall be amicably decided.'

A diſpute did ariſe between Spain and the United-provinces concerning theſe three quarters. An agreement was made the 25th of February and the 27th of May 1658, by which they were to be equally divided between Spain and the States-general. The next year, December the 13th, another treaty, by way of Interim, was alſo ſigned by theſe two powers. The affair was not finally ſettled till the 26th of December 1661, when it was agreed by a treaty, that the king of Spain ſhould poſſeſs the country of Fauquemont and Dalem, and the town and caſtle of Roleduc. The towns and caſtles of Fauquemont and Dalem, and the country of Roleduc, were to remain to the United-Provinces.

Ibid 58, 68.

'Neither the Spaniards nor States-general ſhall build 'any new forts in the low-countries, or cut canals that 'may

may be prejudicial to either of the parties. The Catholic king ſhall demoliſh the forts of St. Job, St. Donas, the Star, St. Tereſa, St. Frederic, St. Iſabella, St. Paul, and the redoubt called Pape-mutz. The States-general ſhall demoliſh the two forts in the iſle of Caſant, called Orange and Frederic, the two forts of Pas, and all thoſe on the eaſt ſide of the Scheld, except Lillo and Kieldrecht, called Spinola.

The king of Spain renounces all his rights to Graves, the country of Kierk and their dependencies, which the prince of Orange held formerly by mortgage, and of which the States-general gave him the property in the year 1611. He alſo renounces all his pretenſions to the cities and lordſhips of Lingen, Bevergern, and Kloppenburg, which ſhall remain to the prince of Orange and his heirs. Ibid 49, 50.

The ſubjects on both ſides are declared capable of inheriting one another, either by will or without, according to the cuſtom of the places. Ibid 62.

Both parties ſhall remain in poſſeſſion of the countries and commerce which they hold in the Eaſt and Weſt-Indies. The Spaniards ſhall enjoy the privileges they now poſſeſs in the Eaſt-Indies without extending them farther, and the ſubjects of the States-general ſhall not frequent the places where the Caſtilians are ſettled. Ibid 5.

The Spaniards, and ſubjects of the United-Provinces, ſhall not ſail to or trade in the harbours, ports, forts, lodgments, or caſtles, or any other places belonging to the other party in the eaſt-Indies. Ibid 6.

BASIL, SWISS CANTONS, AND SOME HANS-TOWNS.

The city of Baſil and the Swiſs cantons are in no way ſubject to the tribunals and courts of the empire. T. Of. 10.

The free cities which are included in the dominions poſſeſſed by the Swedes in Germany ſhall preſerve the ſame liberty of navigation which they have hitherto enjoyed as well with regard to the empire as to foreign kingdoms, republics and ſtates.

NAMES of the PRINCES, &c. Parties and Guarantees of the TREATIES of WESTPHALIA.

The emperor and houſe of Auſtria, France, Sweden; the electors of Mentz, Bavaria, Saxony, Brandenburg; the biſhops of Bamberg and Wirtzburg, the princes of Saxe-Altenburg, Brandenburg-Culmbach, Brunſwic-Lunenburg, Zell, Grubenhagen, Wolffenbuttel, Calemberg, Mecklenburg, Wirtemberg, Heſſe-Caſſel, Heſſe-Darmſtadt, Baden, Saxe-Lavenburg; the counts and barons of the bench of Weterania and of Franconia; the cities of Straſburg, Ratisbon, Lubeck, Nuremberg, Ulm, &c.

T. Of. 17. All theſe parties ſhall be obliged to defend and maintain all and every of the conditions of the peace of Weſtphalia without diſtinction of perſons or religion. In caſe any difference ariſes, endeavours ſhall be uſed to decide it in an amicable manner; if that method fails, the injured party ſhall be aided with all the forces of the others.

PROTESTATIONS.

The pope's nuntio at Munſter proteſted againſt the peace of Weſtphalia on the 14th and 28th of October 1648. A month after, pope Innocent himſelf made his proteſtation. The 20th of January 1649, Charles II. duke of Mantua proteſted againſt the ſtipulations concerning his diſputes with the duke of Savoy.

After this account of the Weſtphalian and Pyrannean treaties, and of thoſe relating thereto, it will not be improper to add a few remarks before we come to the peace of Oliva.

Perſons deſigned for negotiation cannot ſufficiently ſtudy the treaties of Munſter and Oſnabrug. They are perfect patterns in their kind, for order, preciſion, and clearneſs. The ſuperior genius of the miniſters who framed them is conſpicuous throughout. Beholding at once an affair in all its different views and lights, perfectly informed of the intereſts on which they were treating, their near or diſtant relations; they diſcarded whatever was foreign to the point, and rejected all vague and ſuperfluous expreſſions, which throw no light upon the ſubject.

It

It is not ſo eaſy as may be imagined, to give a good form to a treaty. How many plenipotentiaries, who deſerve the reputation they have gained, have ſplit upon this rock? Some can hardly be followed; no order in the ideas, no connexion in the matters; and the reader who wants inſtruction is to begin with unravelling a chaos. Others there are who ſeek to inſert in their treaties the fineſſes they uſed in the courſe of their negotiation; they are dark, confuſed, indiſtinct; their meaning muſt be gueſſed. Theſe cannot finiſh an article without ſlipping in ſomething ſuperfluous; they ſwell minute things, and love to conſider them as important objects, thinking their negotiation will thereby acquire the more dignity.

If ſuch conſiderable defects are often found in treaties penned by men of rare talents in buſineſs, what a ſubject for criticiſm muſt the acts of thoſe be, who are little verſed in affairs, of a narrow genius, and owe ſolely to favour the honour of being charged with the intereſts of their country and of wording its treaties?

Another remark may be added for the ſake of thoſe readers who have no knowledge of this ſubject; that, beſides the conventions which form the public law, there are, in all the treaties, articles of another kind. Theſe concern only the moment wherein the treaty is concluded, and, as conſequently they cannot have any influence for the future, need not to be inlarged upon; ſuch are the ſtipulations for the reſtitution of a province, a place, a caſtle to a ſtate from which it had been taken: Or for reſtoring things to their former ſituation without creating any new title. In ſpeaking of the houſe of Heſſe-Caſſel, was there any occaſion to ſay, that the plenipotentiaries of Munſter and Oſnabrug agreed that there ſhould be paid to the ſaid houſe one hundred thouſand rixdollars within the ſpace of nine months, and at the expence of the archbiſhops of Mentz and Cologn, the biſhops of Paderborn and Munſter, and the abbot of Fuld? It ſhould, however, have been mentioned, if Heſſe had made ſo great a figure in the war as Sweden.

There are alſo another ſort of articles, which are omitted becauſe they are mere matters of form, and common to all treaties of peace. They never fail to begin with ſaying that there ſhall be a true and perpetual peace between the parties: Hoſtilities ſhall ceaſe: There ſhall be a general amneſty on both ſides: All the priſoners ſhall be releaſed without ranſom: The ſubjects of the two powers may reſort to and ſettle in each other's territories, &c. The

whole

whole concludes with a promiſe of faithfully performing ingagements and ratifying them within ſuch a time.

It may not be amiſs to examine an important queſtion concerning the ratification of treaties, which ſome conſider as an act neceſſary to their validity, whilſt others think it only a form authorized by cuſtom which gives authenticity to the ingagements but adds nothing to their force.

Grot. B. II. Ch. 12. Grotius is of this laſt opinion. 'We may (ſays he) be 'bound by another man's act, if it appears that we have 'deputed and empowered them to act for us, either as our 'agent in that particular buſineſs, or under a general qua-'lification. And it may likewiſe happen that where the 'commiſſion is general, he that is ſo commiſſioned may 'bind us by acting contrary to his private inſtructions: For 'here are two diſtinct acts of the will, the one whereby we 'bind ourſelves to confirm and ratify whatever our agent 'ſhall do in ſuch an affair; the other, whereby we bind 'our agent, that he ſhall not act beyond our ſecret inſtruc-'tions. This we obſerve on account of thoſe things which 'ambaſſadors promiſe for their maſters, by virtue of their 'inſtructions, but exceeding their private orders.

Ibid. B. III. C. 22. 'A ſovereign (adds the ſame author) is bound by the act 'of his miniſter, in caſe he tranſgreſs not the bounds of his 'public office, though he act contrary to his private in-'ſtructions. If a miniſter tranſgreſs his commiſſion, and 'promiſe more than he can perform, he himſelf ſhall be 'bound to the full value, unleſs ſome law ſufficiently known 'ſhall prevent it. If there ſhall be found any fraud in the 'caſe, that is, if he ſhall pretend to have more power than 'was really given him, he ſhall then be obliged to ſatisfy 'for the damage thereby ſuſtained; and if through his crime 'great injury be done to the adverſe party, he ſhall be bound 'to ſuffer puniſhments anſwerable to his crime. In the firſt 'caſe his goods ſhall make ſatisfaction, and if theſe fail, 'his corporal liberty: In the latter caſe, his perſon or his 'goods, or both, according to the greatneſs of his crime.'

The author who publiſhed, ſome years ſince, an eſſay upon the principles of law and morality, ſeems to have juſter notions of this matter than Grotius. After having eſtabliſhed his principles concerning the ingagements contracted by an agent, he adds, 'the inconveniency from the unfaith-'fulneſs of ambaſſadors, is remedied by the reciprocal ſtipu-'lation of the exchange of the ratifications, which is as 'much as to ſay, that the time agreed for ſending the rati-'fications is allowed to the ſovereigns to ſee whether their

private

'private inſtructions have been executed; and in caſe they 'have not been followed, to retract the promiſes made by 'their ambaſſadors.'

Indeed a treaty is not in full force till ratified by the powers that made it. To adopt this principle is certainly the intereſt of every prince, in order to avoid the danger of being a victim to the preſumption, infidelity, or corruption of a miniſter, whom he charges with the care of diſcuſſing and ſettling his right and pretenſions. If the force of the expreſſions uſed in drawing up an ambaſſador's full powers be only attended to, there is no doubt that the ratification of the treaties is to be conſidered as a ſuperfluous formality. But here we muſt be on our guard: We muſt not reaſon upon the particular ideas raiſed by the expreſſions, ſo much as upon a general idea of a full-power. Now how extenſive ſoever the full powers of a plenipotentiary may be, we know how to give the ſtyle its due value; and an ambaſſador himſelf ſcruples not to own a hundred times in the courſe of a negotiation, that his hands are tied up, that he waits for farther inſtructions, &c. Since the authority of a miniſter is actually limited, though by his full power it ſeems to be without bounds, it may from thence be inferred, that a treaty has not all its force till ratified by the prince, nor till then becomes obligatory. It would therefore be imprudent to ſtipulate that the conventions ſhould be executed at the time of ſigning: This is what has not been duly attended to by ſome ambaſſadors.

CHAP.

CHAP. II.

PACIFICATION OF THE NORTH, PEACE OF OLIVA, OF COPENHAGEN, &c.

MArgaret of Waldemar, called by the hiſtorians the Semiramis of the north, about the year 1387, united the three kingdoms of Sweden, Denmark, and Norway, and having formed the grand deſign of making, in ſome meaſure, all her ſubjects but one nation, ſhe aſſembled at Calmar, in 1392, the ſtates general of the three kingdoms, who very readily conſented to the union. It was ſettled by a ſolemn treaty, that the Danes, Swedes, and Norwegians, ſhould preſerve their reſpective laws, cuſtoms, and privileges, though united under one head, and that the king elected by turns by each nation ſhould reſide among thoſe by whom he was choſen.

Eric, her nephew, ſucceeded Margaret; but being depoſed by his ſubjects for his ill conduct, Chriſtopher of Bavaria was placed on the throne in his room. Though this election was managed ſolely by the Danes, it was confirmed by the Swedes, whoſe turn it was to chuſe. They had not afterwards the ſame complaiſance, for the ſtates of Denmark having choſen Chriſtiern of Oldenburg to ſucceed Chriſtopher of Bavaria, the Swedes conferred their Crown on Charles Canutſon, of the race of their ancient kings *.

* The ſame with Charles VIII.

The treaty of Calmar from hence began to be productive of calamities in the north, inſtead of the advantages intended by Margaret. The union being diſſolved, could not but create animoſities between the three kingdoms, as it had confounded their intereſts, and given them rights and pretenſions upon one another. The kings of Denmark looked upon the election of Canutſon, as an incroachment upon their authority. They imagined Sweden was to be one of their provinces; and indeed that kingdom muſt have ſubmitted to the Daniſh yoke, if Guſtavus Vaſa had not found in the Foreſts of Dalecarlia, avengers of their country.

The cruel war between Sweden and Denmark was not yet at an end, when a new ſource of diſcord was formed

in

in the north during the war which the Muſcovites carried into Livonia about the middle of the ſixteenth century. Gothart Kettler, grand maſter of the Teutonic order, and as ſuch, ſovereign of Livonia, was not in condition to oppoſe the irruption of his enemies. Revel, deſpairing of relief, ſought the protection of Sweden, and ſubmitted to that crown in 1560, whoſe example was quickly followed by all Eſtonia, of which that city is the capital.

The Swedes believing they could not preſerve their new acquiſition but by the deſtruction of the Teutonic order, refuſed all aſſiſtance to Kettler. He, out of revenge, and to ſave at leaſt ſome part of his dominions, reſigned to the Poles all his right to Livonia, reſerving only Courland, for which he conſented to do homage. When the Muſcovites were repulſed, the Poles aſſerted their claim to the ceſſion of Kettler, and demanded of Sweden, Revel and Eſtonia, which had not been able to throw off the yoke of their lawful ſovereign for the ſake of a new one. The Swedes knew perhaps, that a nation abandoned by their prince, is no longer ſubject to him, and therefore only anſwered the Poles by taking up arms.

It was hoped, that the bloody wars kindled by this diſpute were going to end, when the Poles were ſeen to give their crown to Sigiſmund, eldeſt ſon of John king of Sweden and Catherine Jagellon, a princeſs whoſe name was dear to them, and whoſe anceſtors had governed the republic with glory. The calm, however, was ſhort and tranſient; John died in 1592; his ſon went immediately into Sweden to be crowned; but he made too much haſte to return to his Poliſh dominions before he had eſtabliſhed his authority over the Swedes; and, committing a ſecond error worſe than the firſt, he reſigned to the republic of Poland his rights, as king of Sweden, to Livonia.

This imprudent conduct the more eaſily raiſed diſcontents, as Charles of Sudermania, brother of the late king, had been endeavouring to gain a party. This able and ambitious prince rouzed the pride of the Swedes, by repreſenting to them, that their ſtruggles to avoid the tyranny of the Danes were become fruitleſs, if they did not take courage and prevent their country from being a province of Poland. He deſcribed the Poles as greedy and ſevere republicans, who were going to be inveſted with all the high offices of Sweden in order to cruſh her, and whoſe violences were much more to be dreaded than thoſe of the

Danes;

Danes; ſince the religion of the kingdom could not be ſafe under a prince whoſe court ſwarmed with prieſts of the Romiſh religion.

Sigiſmund, informed of what was contriving againſt him, thought his preſence might reclaim or awe the Swedes; but it was too late. Charles of Sudermania, who had ſecured to his intereſts all the orders of the ſtate, prevented his entrance into the kingdom, and defeating the troops which attended him, cauſed himſelf to be proclaimed king (c). This war, ſometimes interrupted or waged with leſs vigour, by reaſon of the old quarrels between Sweden and Denmark, took up the whole reign of Charles IX, and employed his ſon, the great Guſtavus Adolphus, till, upon his expedition into Ger-
1629. many to aſſiſt the Proteſtants, he concluded with Poland the truce of ſix years, mentioned in the foregoing chapter.

Peace at length prevailed in the north. In 1613 the Danes had ſolemnly renounced all their rights to Sweden; they had the trifling conſolation left them, of bearing the arms of that kingdom, and Norway was not conteſted. It is true, the truce between the Swedes and the Poles was only for a ſhort ſpace, but it was very eaſy to dry up the fountain of all their diſputes. It was the intereſt of Poland to ſeek peace, as being almoſt exhauſted, whilſt Sweden had viſibly gained an aſcendant in the north. The making a ſecond truce in 1635, inſtead of a treaty, was done on purpoſe to manage the Poles, and by leaving them in ſome hopes of recovering their loſt provinces, to render more eaſy an accommodation, oppoſed by the emperor's emiſſaries, and neceſſary to promote the progreſs of the Swedes in Germany.

Caſimir, attacked by the Muſcovites, and diſturbed by the revolt of the Coſſacks, began in 1654 a negotiation, of which the truce of 1635 was to be the baſis, peace was juſt going to be ſettled, when his miniſter at Stockholm, proteſted againſt the coronation of Charles Guſtavus, two days after the abdication of queen Chriſtina.

This ſpark rekindled a flame which ſpread over the north. The Swedes thinking themſelves abuſed, demanded war, and the new king, had his troops and finances been proportioned to his grand deſigns, would have inſtantly gratified his ſubjects. He ſpent the reſt of the year 1654 in making prepa-

(c) In 1604 about 147 years after the death of Charles VIII.

rations,

rations, exerciſing and augmenting his forces, amaſſing money, and forming a ſtrict alliance with the elector of Brandenburg, duke of Pruſſia, and in the beginning of the next year he entered Poland at the head of his army.

Never was progreſs more rapid; all gave way to Charles's furious attacks, terror flew before him and diſarmed his enemies; was it as eaſy to keep as to make great conqueſts, Caſimir would never have recovered his crown. Charles reſolved to demoliſh him, and his obſtinacy proved the ſafety of his enemy. The Poles, who had trembled for fear, were fired with reſentment; their ſhame for behaving ſo cowardly, rendered their courage the more impetuous, and they formed an army, which was a more honourable aſylum for Caſimir than Sileſia, where he had been forced to conceal himſelf.

The Muſcovites, who were at war with the Poles, began to look with a jealous eye upon the power of the Swedes, and made a diverſion in Livonia. On the other hand, the princes of the ſouth, and weſt of Europe, would no longer be indifferent ſpectators of the quarrels in the north. The emperor Ferdinand III. ſeized the opportunity of revenging the injury done him by the peace of Weſtphalia, and ſeeing Caſimir's affairs begin to be reſtored, ſent him ſuccours, and ingaged Denmark to make a diverſion in favour of the Poles. The cham of Tartary marched at the ſame time to their aid a hundred thouſand men, which rendered ineffectual the alliance Sweden had juſt made with Ragotzki, prince of Tranſilvania.

In turning his principal forces againſt the Danes, Charles-Guſtavus ſaw himſelf obliged to ſtand upon the defenſive in Poland; and from that time the elector of Brandenburg, thinking it his intereſt to renounce his alliance, concluded with Caſimir, the 17th of September 1657, the famous treaty of Velau. Denmark had the ſame fate as Poland had endured, that kingdom was almoſt entirely conquered, and Frederic III. quickly concluded a ſeparate peace.

The peace of Roſtchild, ſigned the 8th of March 1658, and managed by France and England, would have paved the way to the pacification of the north, had it taken effect. But Frederic, encouraged by his allies, was aſhamed of his fearfulneſs. The arms of Sweden were repreſented to him as an irreſiſtible torrent, but which flows away and diſappears ſo much the more ſuddenly, as its waters are carried with the greater violence. The aſſiſtance of the United-Provinces, and their declaration of war againſt Charles, determined the

court of Denmark to fall off from the terms they had accepted (a).

All Europe would at length have taken part in the quarrel of the north, if France and England, by a treaty of the 21ſt of May 1659, had not agreed with the United-Provinces to take the ſpeedieſt and moſt effectual meaſures for reſtoring tranquillity. The States-general withdrew their ſuccours from the Danes; the Engliſh promiſed to give none to Sweden, and the firſt fruits of this negotiation was a peace ſigned at Elſenor the 9th of December 1659, between Charles-Guſtavus and the United-Provinces.

Fortune, who had laviſhed her favours upon the Swdes, began to forſake them and incline to their enemy, but nothing haſtened more the ſucceſs which the mediators, aſſembled at Oliva and Copenhagen, flattered themſelves with, than the death of Charles-Guſtavus. This prince, worthy of the great Adolphus's throne, and one of the moſt illuſtrious perſons of his age, died the 23d of February 1660. His courage could not brook making a peace in circumſtances, wherein his enemies had leſs occaſion for it than he. His ſon ſigned the treaty of Oliva the 3d of May 1660, with Poland, the emperor Leopold, and the elector of Brandenburg. The treaty of Copenhagen was concluded the 6th of June the ſame year, between Sweden and Denmark.

The peace however was not general in the north. Muſcovy continued the war with Sweden and Poland. The treaty of Pleyſſemond diſarmed the Swedes the 1ſt of July 1661; but the Poles and the Ruſſians were not finally agreed till the 25th of April 1686, when theſe powers leagued together in a war againſt the Turks. Hoſtilities had however ceaſed from the 30th of January 1667, by a truce of 13 years, which was renewed or prolonged by treaties ſigned the 17th of March 1670, the 9th of April 1672, and the 7th of Auguſt 1678.

(a) It muſt be obſerved, that it was not from the treaty of Roſtchild that Frederic fell off, but from the preliminary treaty of Toſtrup, concluded the 18th of February by the mediation of England. This he refuſed to ratify, as thinking it too diſadvantageous. The king of Sweden, who had paſſed into Zealand over the ice, continued his march to Roſtchild, and beſieged Copenhagen; but at the repeated inſtances of the French and Engliſh miniſters, the peace was concluded the 8th of March following. The treaty of Toſtrup was the baſis of that of Roſtchild, which was executed after having been duly ratified by his Swediſh majeſty at Gottenburg the 24th of March, and by the Dane at Copenhagen the 29th.

TREATY

TREATY of OLIVA.

SWEDEN.

'John Caſimir King of Poland, renounces all right to the kingdom of Sweden and principality of Finland. He reſerves the power of bearing the arms and titles of that kingdom, except when he writes to the king of Sweden. His ſucceſſors ſhall not uſe the ſame titles, nor form any pretenſion to Sweden.' T. Ol. 5.

This laſt clauſe could only regard thoſe of his ſucceſſors who ſhould be of his family, the republic of Poland having no claim to the throne of Sweden. The eldeſt branch of the houſe of Vaſa ended in the perſon of king Caſimir, who after his abdication retired into France, and died a mitred abbot, which ſuited him better than a crown. Guſtavus-Adolphus was the laſt male heir of the younger branch.

'The king and republic of Poland ſurrender to Sweden all Livonia beyond the Dwina, except the towns of Dunenburgh, Roſſiden, Ludſen, Marienhuſen, and other places poſſeſſed by the Poles during the truces of 1629 and 1635.' T. Ol. 4. 5.

All Livonia was then in the hands of the Muſcovites, which they did not evacuate till the next year, when the Swedes, by virtue of the 2d and 3d articles of the treaty of Pleyſſemond, took poſſeſſion, except the ſouthern part, which was reſtored to Poland in 1667, purſuant to the 6th article of the truce concluded that year between the Poles and the Muſcovites.

'Sweden ſhall alſo poſſeſs the iſle of Ruynen, and all the territory on the left of the Dwina, which the Swedes held during the truces of 1629 and 1635.

'The kings of Poland and Sweden and their ſucceſſors ſhall equally uſe the ſtile and arms of Livonia, with the title of dukes.'

The 18th article of the treaty of Oliva deſerves notice for its ſingularity. It ſays, 'that the dead bodies of the general and ſubaltern officers, if demanded, ſhall be reſtored to the Swedes. And as for thoſe that are buried at Elbing, Marienburgh, or in any other place of Pruſſia or Poland, they ſhall lie inviolated.'

'Denmark renounces all pretenſions to Sweden. T. Cop.

'Sweden ſhall poſſeſs in full ſovereignty Jemptia, and all that part of Heredalia which is ſeparated from Norway by T. Brom. referred to by T. Cop. the 25.

'the mountains of Oſtrafiel. The king of Denmark gives alſo 'to Sweden the iſles of Oeſel and Gotland.

T. Cop. 4. 'The provinces of Halland, Schonen, and Blecking, are 'reſigned to Sweden, to be enjoyed in full ſovereignty.'

The king of Sweden had been in poſſeſſion of Halland ſince 1645, by virtue of the 25th article of the treaty of Brom-Sebrô. Chriſtiern IV. had yielded it to Chriſtina for 30 years, as a pledge for the freedom of the Swedes in the Straits of the Sound and the Belt. The thirty years expired, Denmark could not retake poſſeſſion of that province without giving Sweden an equivalent ſecurity, ſuch as ſhould be approved of. So frivolous a convention teaches negotiators at once how extremely nice princes ſometimes are, and yet eaſy to be ſatisfied (b).

T. Roſ. 5. 'Sweden ſhall poſſeſs in full ſovereignty the iſland of 'Bornholm.'

This iſland was alſo given to Sweden by a particular act, which is generally annexed to the treaty of Copenhagen.

T. Roſ. 6. 'The king of Denmark reſigns to Sweden the fiefs of 'Bahns, with all their dependencies, and likewiſe all his

T. Cop. 9. 'juriſdictions, both eccleſiaſtical and civil, on the iſle of Ru-'gen.

T. Roſ. 3. 'The ſhips of the king of Sweden and of his ſubjects, of 'what province ſoever, ſhall not be liable to any toll, ſearch,

T. Brom. 3. 'viſit, detention or charge, in paſſing the Sound and the 'Belt. All the effects belonging to the Swedes, or to other

T. Cop. 3. 'ſubjects of Sweden, ſhall enjoy the ſame privilege, though 'freighted on board foreign ſhips.'

(b) At preſent, when ſome crowns have made it a rule to obſerve treaties no farther than it ſuits their conveniency, it would not be amiſs to introduce the cuſtom of giving pledges for the performance of articles. If when the emperor Charles VI. concluded the treaty of 1738 with the king of France, in which he paid him before-hand for the guaranty of his Pragmatic Sanction, he had required that Alſatia or Burgundy ſhould be ſurrendered him for 30 years, on condition that it ſhould remain to the houſe of Auſtria if the guaranty was not obſerved; if this had been done, ſhould we have ſeen the fatal war of 1741, and would France ever have been allied with the elector of Bavaria? In the late peace between England and France, the Engliſh were obliged to give hoſtages for the ſurrender of Cape Breton.

DENMARK.

'The kings of Denmark ſhall bear the arms of Sweden, provided no right or pretenſion to that crown is inferred from thence. T. Roſ. 13.

'The king of Sweden renounces, in favour of the king of Denmark and the duke of Holſtein-Gottorp, all his rights, as duke of Bremen, to the counties of Delmenhorſt and Ditmarſen, and to the effects of certain nobles of Holſtein.' T. Roſ. 13. T. Cop. 18.

By the fifteenth article of the treaty of Copenhagen, the king of Sweden renounces all his rights acquired by conqueſt to the provinces which he reſtores to Denmark. In reading this article, one would think it concerned two barbarous nations, who acknowledge no other right but that of the longeſt ſword, and believe the ſeizing of a country a ſufficient title to the ſovereignty of it. There is no wonder ſuch a notion ſhould ſubſiſt in 1660, ſince, at this very time, it has not fallen into that contempt it deſerves and creates. A prince no doubt may very juſtly conquer a province that belongs to him, and refuſe to reſtore it. He may even extend his conqueſts beyond the country he claims, for a puniſhment of his enemy's injuſtice, and for a ſatisfaction of the expences of a war, he was forced into. But arms of themſelves give no title to poſſeſſion, they ſuppoſe a prior, and it is only to fix this conteſted and equivocal right that a war is made. If it was otherwiſe, a prince diſpoſſeſſed by his enemy would have no longer any right to the dominions taken from him, and conſequently it would be ridiculous for the conqueror to require of him a ceſſion by a treaty of peace. To this may be added one plain argument, if conqueſts by their nature form a right of poſſeſſion for the conqueror, it matters not whether the war be founded upon juſt or unjuſt motives. But who is ſo bold as to advance ſuch a propoſition? For no reaſonable man can deny that a prince who takes up arms without a juſt cauſe, ought to indemnify his enemy for all his loſſes occaſioned by the war.

SWEDEN. DENMARK.

T. Roſ. 2. T. Cop. 2. 'The kings of Sweden and Denmark renounce all alliances which have been made to the prejudice of one another. They ſhall form no ſuch hereafter, and each party ſhall refuſe any aid, directly or indirectly, to the enemy of the other.

T. Cop. 6. 'Theſe two princes ſhall keep up in their territory, each at his own expence, the ſea-marks for navigation between Schagen and Salſterbô. The Swede conſents never to exact any toll in the Sound; but Denmark ſhall pay him every year, by two equal payments, the ſum of 3500 Rix-dollars.

T. Cop. 7. 'Every Swediſh ſhip paſſing the Sound ſhall ſalute the caſtle of Cronenburg; which ſhall be returned. Every Daniſh ſhip in the Sound ſhall ſalute the caſtle of Elſenburg, which ſhall be returned. The Swediſh and Daniſh ſhips, when they happen to meet, ſhall not lower their top-ſails.

T. Cop. 8. 'When one of the two kings ſhall ſend into or out of the Baltic above five men of war, or more than 1200 ſoldiers, he ſhall give notice of it to the other three weeks before.'

POLAND. BRANDENBURG.

T. Brom. 84. 'The inhabitants of Weiſmar and Pomerania ſhall be reſtored to all the rights, privileges, and cuſtoms, granted them by the treaty of Odenſee.'

When the treaty of Brom-Sebrô was concluded the 17th of Auguſt 1645, Sweden was in poſſeſſion of Weiſmar and all Pomerania. The inhabitants of the Swediſh conqueſts, preſerved by the treaty of Oſnabrug, enjoy, in the paſſage of the Sound and Belt, all the privileges granted to the Swedes themſelves. Therefore the 34th article of the treaty of Brom-Sebrô concerns only the Pomeranians of the Farther Pomerania, ſubjects to Brandenburg. By virtue of the treaty of Odenſee, concluded the 23d of July 1560, their ſhips were to be treated in the Straits of the Sound and Belt as thoſe of the moſt favoured nation. It muſt be obſerved, that from 1660 to 1720, when Denmark promiſes to treat any ſtate as the moſt favoured nation, Sweden muſt always be excepted, which during that ſpace enjoyed particular privileges,

vileges which were forced to be renounced after the death of Charles XII. In the ſequel of this work will be ſeen the alterations in the north ſince the beginning of the preſent century, and that the treaties of Stockholm and Neuſtadt have derogated from ſeveral articles of the treaties here mentioned.

'The king of Sweden and elector of Brandenburg renounce the treaties made between them the 17th of January 1656 at Koninſberg, the 25th of June 1656 at Marienburg, the 20th of November 1656 at Labiavic. They declare them null, and proteſt that they will never from thence claim any right againſt Poland.' T. Ol. 25.

By theſe treaties the elector Frederic-William acknowledged the dukedom of Pruſſia to be a fief of the crown of Sweden; Charles-Guſtavus diſcharged him from all vaſſalage, and gave him in full ſovereignty the province of Warmia in Royal Pruſſia, and ſome palatinates in Poland.

'Ducal Pruſſia is declared independent; but on failure of heirs male in the family of Frederic-William, elector of Brandenburg, that province, with all its rights, ſhall return to the republic of Poland.' T. Vel. 5, 6.

'Inſtead of the ancient dues of vaſſalage from Pruſſia to Poland, there ſhall be a perpetual alliance between the two powers. Frederic-William and his deſcendants, dukes of Pruſſia, ſhall never make alliance with the enemies of Poland, furniſh them with warlike ſtores and proviſions, or grant them a paſſage through their territories. In all the defenſive wars the king of Poland ſhall be obliged to wage, the duke of Pruſſia ſhall lend him 15000 foot and 500 horſe, to be paid by the Poles as ſoon as they have entered their dominions.' T. Vel. 9, 11, 12.

'The king of Poland, on his part, ingages to defend Ducal Pruſſia againſt all attacks. The Poliſh troops ſhall at all times have free paſſage, and the Pruſſians ſhall freely march through the Poliſh territories.' Ibid. 13, 14, 15.

In an article of the alliance of Velau, Poland had ingaged to pay the elector of Brandenburg three hundred thouſand rixdollars, and to leave him Elbing till the whole ſum was paid. By a courſe of extraordinary events, it happened that this laſt clauſe was not executed, and conſequently Poland may be thought not to be too forward in performing it. The elector of Brandenburg, ever watchful of his intereſts, renewed his demands a thouſand times, and tired with receiving no ſatisfactory anſwer, he reſolved at laſt to do himſelf juſtice. He ordered ſome troops to march towards El-

bing, and the town, without making the leaſt reſiſtance, opened the gates on the 11th of November 1698.

Auguſtus II, king of Poland, complained of this as an enormous breach of the law of nations. He ſought to intimidate the elector, but not ſucceeding, and unwilling to make himſelf a dangerous enemy, at a time when he was filling the north with his intrigues, and meditating a rupture with Sweden, he liſtened to an accommodation, which was ſigned at Warſaw the 12th of December 1699. In this treaty are renewed all the articles of the perpetual alliance of Velau.

T. Vel. 1. 9. 2, 3, 4, 5. 'The elector of Brandenburg ingages to reſign to the 'Poles, the 1ſt of February 1700, the town of Elbing, on 'condition that they pay him three hundred thouſand rix-'dollars, three months after the meeting of the next diet, 'and that on the eve of the evacuation of Elbing, the crown-'jewels be put into his hands by way of Pledge. In caſe 'the Poles break their ingagement, the elector ſhall re-enter 'Elbing, and receive the income of its territory till the 'whole ſum is paid (c).'

EMPEROR AND SWEDEN.

T. Ol. 22. 'The emperor and king of Sweden ſhall reſpectively keep 'to the diſpoſitions of the treaty of Oſnabrug.'

HOUSE OF HOLSTEIN.

T. Roſ. 22. 'The king of Denmark ſhall ſatisfy the duke of Reſwic-'Holſtein-Gottorp.'

Accordingly Frederic III, king of Denmark, and the duke of Holſtein, ſigned at Copenhagen, the 22d of May 1658, a treaty, by which the king reſigned to the duke, for himſelf and his heirs male, the duchy of Sleſwic and the iſle Fehmeren, in full ſovereignty; transferrsd to him the chapter of Sleſwic, except four prebends, and gave him the bailiwic of Schwabſtadt. The ancient unions of 1533 and 1623 were alſo renewed; that is, the community of government was confirmed, which gives an equal power to the two parties

(c) This knotty affair ſtill remains in ſtatu quo, and will long remain ſo, if ſome expedient is not found againſt the fatal conſequences of unanimity in the votes of the diets.

over

over the duchy of Holſtein, both alike receiving the homage and oath of fealty of the ſubjects, who are to obey only the orders which ſhall proceed from the common regency of the two ſovereigns.

A more faulty government can hardly be conceived. If it had been intended that peace ſhould ſubſiſt between the kings of Denmark and the dukes of Holſtein, the dominions, and not the authority, ſhould have been ſhared (d). This treaty was accompanied with two diplomas of Frederic III, ratified by the Daniſh ſenate.

'The tranſactions paſſed at Copenhagen the 22d of May T. Cop. 17.
'1658, between the king of Denmark and the duke of Sleſ-
'wic-Holſtein-Gottorp, ſhall be exactly obſerved.'

COURLAND.

'The duke of Courland, who ſhall be reſtored to his do- T. Ol. 6.
'minions, promiſes that no offence or repriſal ſhall be com-
'mitted againſt Sweden, ſaving all allegiance to Poland.

'The kings of Sweden, as dukes of Livonia, ſhall not 4.
'exact for the future any ſervice from the dukes of Courland.'

POLAND. RUSSIA.

'The duchies of Smolenſko, Severia, Czernigove, and T. Muſ.
'the city of Kiow, and the territory of a mile from its walls, 1636.
'ſhall remain to the czar. The Boriſthenes, from Kiow to 3.
'Tartary, ſhall ſerve for a boundary to the two powers.

'The preceding truces ſhall be maintained in their full
'force, except the articles from which it ſhall be derogated.

'The czar ſhall not take under his protection the Coſſacks Truces of
'on the right of the Boriſthenes. Nor ſhall Poland protect 1667 and 1672.
'thoſe on the left of the ſame river.

'The parties ſhall inform the Nogais-Tartars of their T. of 1667.
'amity. If theſe people make any irruption into their terri- 18.
'tories, both powers ſhall repulſe them.

'If they are ſupported by the Turks, war ſhall be declared
'againſt them.'

(d) Accordingly this union or community of authority has cauſed a perpetual diſſention, of which the king of Denmark has availed himſelf, to deprive the duke of part of his dominions, with whom he ought to have governed there in common.

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T. Moſ. 24. 'The Muſcovites ſhall admit no ſubjects of Poland into 'their troops, nor the Poles any Muſcovites into theirs.'

RELIGION.

T. Vel. 16. 'The Catholics of Ducal Pruſſia ſhall have the free exer-'ciſe of their religion, and ſhall fill all ſorts of civil employ-'ments.

T. Ol. 4. 'The Catholics of the iſle of Ruynen ſhall not be diſtur-'bed for their faith, but ſhall perform divine ſervice in their 'own houſes only. The Livonians ſhall enjoy the ſame 'privileges.

T. Plyſ. 11. 'All the ſubjects of Sweden and Ruſſia trading with one 'another, ſhall freely profeſs their religion. They ſhall be 'allowed to aſſemble in their own houſes, but ſhall not build 'churches. The Ruſſians ſhall keep their church at Revel.

T. Moſ. 9. 'In the places yielded by Ruſſia to Poland, and by Po-'land to Ruſſia, there ſhall be liberty of conſcience, but 'without the public exerciſe of the religion, which ſhall not 'be the ſame as that of the prince. The Roman Catholics 'however in the ſuburbs of Kiow and Smolenſko may have 'churches.'

NAMES OF THE PRINCES, Parties, and Guarantees of the Peace of the North.

T. Ol. 35. 'The emperor Leopold, as head of the houſe of Au-'ſtria, Charles XI. king of Sweden, John Caſimir king of 'Poland, and Frederic-William elector of Brandenburg, do 'agree to guaranty the treaty of Oliva. If any one of them 'ſhall be attacked or moleſted, contrary to the diſpoſition 'of this treaty, good offices ſhall firſt be uſed; but if the in-'juries are done by arms, the injured party ſhall be aſſiſted 'with forces within two months after requiring it, and till 'peace ſhall be firmly eſtabliſhed.

T. Ol. 31. 'The ſame princes guaranty in the ſame manner all the 'articles of the treaty of Copenhagen between Sweden and 'Denmark; and the treaty concluded there ſhall be deemed 'part of that of Oliva.

T. Cop. T. Ol. 1. 'The king of France guaranties all the articles of the 'treaties of Oliva and Copenhagen.

'Eng-

'England and the United-Provinces are alſo guarantees of the treaty of Copenhagen, and promiſe, whenever required, to avenge the breaches of the ſame.' T. Cop. 34.

When theſe treaties were concluded, guarantees or ſureties had not been long uſed in Europe. Some other thing was to ſupply their place; for princes never relied much upon reciprocal promiſes. For a good while the obſervance of treaties was ſworn upon the moſt noted relicks, upon a piece of the real croſs, upon the evangeliſts, and upon the Hoſt, or body of Chriſt. It was promiſed not to procure abſolution from the oath, and in caſe of infraction, to ſubmit to the eccleſiaſtical cenſures. In the famous treaty of Cambray, concluded the 3d of Auguſt 1529, between Francis I. and Charles V, in explanation of the treaty of Madrid, we find a ſtriking inſtance. Theſe princes, 'in caſe of contravention, ſubmit themſelves to the eccleſiaſtical juriſdictions, coercions, and cenſures, even to the calling in of the ſecular arm, and do appoint their procurators, in forma cameræ apoſtolicæ, to appear in their names at the court of Rome, before our holy father the pope, or the auditors of the Rota, and voluntarily to undergo the condemnation and fulmination of the ſaid cenſures.'

Theſe precautions were not thought ſufficient, the princes never made a treaty without naming conſervators, who were to ſee to the execution of the articles. Theſe were ſometimes only miniſters, whoſe duty it was to confer together from time to time at a place appointed, to repair amicably the breaches of the treaties, to puniſh the tranſgreſſors, and to clear difficulties unforeſeen or ariſing from ambiguous expreſſions. The cuſtom of conſervators, ſtill practiſed at this day between the Ottoman Port and the neighbouring princes, was a wiſe regulation, eſpecially at a time when the princes had no ordinary ambaſſadors at each others courts. Sometimes, but more rarely, the conſervation of the peace in their governments, was in a ſpecial manner committed to the provincial governors. They judged ſovereignly of all complaints brought to them on this ſubject, puniſhed the tranſgreſſors, and repaired the injuries.

There was a third kind of conſervators, who (to uſe the antique expreſſion) gave their ſeal to the treaties, and ingaged by a particular act to declare even againſt their ſovereign, in caſe of ſome violation on his part, and to eſpouſe the intereſts of his enemy. Not only the ſeal of the greateſt lords of a ſtate, but moreover the ſeal of the principal cities

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was required. Thus in the treaty of Senlis, the 23d of May 1493, the cities of Paris, Roan, Lyons, Poitiers, Tours, Angers, Orleans, Amiens, and Tournay, are named for Charles VIII; and the cities of Louvain, Bruſſels, Antwerp, Douay, Bois-le-Duc, Gant, Bruges, Lille, Arras, St. Omars, Mons, Valenciennes, Utrecht, Middelburg, and Namur, for the emperor Maximilian and the archduke Philip his ſon.

The lord of Bevres, one of the conſervators of the peace of Senlis, thus expreſſes himſelf in his ſeal: 'Be it known 'that we, deſiring with all our power to obey my ſaid lords '(Maximilian and his ſon) conſidering the great benefits 'which, from the ſaid peace and obſervance thereof, ſhall 'accrue to my ſaid lords the king of the Romans and archduke, 'have promiſed and ſworn, and do promiſe and ſwear by theſe 'preſents, to keep and cauſe to be kept the ſaid treaty in all 'and every of its points and articles. And that if it is tranſ-'greſſed by my ſaid lords the king of the Romans and the arch-'duke his ſon, or by any other for them, (which God of 'his goodneſs forbid) and reſtitution or reparation for the 'tranſgreſſion be not made within ſix weeks after, we in 'that caſe ſhall be obliged to abandon my ſaid lords, king 'of the Romans and archduke, and each of them, and 'ſhall give in that caſe favour, aid, and aſſiſtance, to the 'moſt Chriſtian king.'

It is in the treaty of Blois, the 12th of October 1505, that foreign princes are firſt named for conſervators. It is ſaid there, that Lewis XII, king of France, and Ferdinand king of Arragon, ſhall pray the king of England to be conſervator of their treaty (e). This example was followed in the treaty which was concluded three months after at Cambray, between Lewis XII. and the emperor Maximilian. 'It is agreed (ſay theſe princes) that the pope, the kings of 'England and Arragon, and the princes of the empire, 'ſhall be conſervators of this treaty, that they ſhall ſee all 'the articles executed, and in caſe of contravention, 'they ſhall aſſiſt the injured party with all their for-'ces (f).'

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(e) Rogabunt dicti Chriſtianiſſimus et Catholicus reges ſereniſſimum Angliæ regem, quod hujus pacis, fraternitatis et ligæ conſervator exiſtat.

(f) Conventum eſt quod ſanctiſſimus dominus noſter, ſereniſſimi que regis Angliæ et Arragoniæ ac etiam ſacri Romani imperii principes ſint hujus pacis,

The treaties of Blois and Cambray are to be looked upon as the firſt model of the guarantees ſo common now-a-days. This method gained ground the more eaſily, as the princes had found by experience, that the moſt ſacred, the moſt ſolemn oaths, were but weak fences againſt intereſt, which had always broke through them without ſcruple. Beſides, by ſubmitting themſelves, in caſe of infraction, to excommunication and the cenſures of the church, (as Charles VII. of France, and Philip the Good, duke of Burgundy, ſay in the famous treaty of Arras) they degraded themſelves, and furniſhed pretences to the eccleſiaſtical power, to intermeddle in the temporal concerns of the kings, and to confound rights which, for the welfare of nations, cannot be ſeparated by bounds too ſettled or fixed.

The cuſtom of conſervators would have produced many diſorders, if it had been any thing but a matter of form. The lords and burghers of cities would have been judges of war and peace, and, under the pretence of fulfilling their ingagements, might have got the habit of never obeying their prince. All theſe cuſtoms diſappeared according as the kings aggrandized their authority over their ſubjects, and policy tied them together with a ſtricter band (g).

cis, unionis et concordiæ et ſingulorum in eis contentorum, conſervatores et fide juſſores et totis viribus aſſiſtent ei qui prædicta obſervaverit contra alium non obſervaturum.

(g) It may rather be ſaid, that, according as the kings aggrandized their power over their ſubjects, and policy bound them together with a ſtricter band, they forfeited honour and conſcience; becauſe they perceived themſelves out of the reach of reproaches for the violation of a treaty or breach of their words. Often ſuch a reproach has been the motive alledged for a declaration of war. In fine, things are come to that paſs, that treaties are no longer to be relied on, than whilſt circumſtances remain in the ſame ſtate as when they were concluded. Neither oaths on the high altar, nor dread of the juſt vengeance of heaven, nor the point of honour, have ſeldom any influence on royal conſciences. Conveniency has uſurped the place of honour and honeſty. Recourſe had been had to powerful guarantees; but to no purpoſe. The guarantee is a treaty, ſo is violated with the ſame eaſe as the treaty: it ought to eſtabliſh Good-Faith, but is the firſt to deſtroy it. This is one of the pernicious effects which ambition has ſpread thro' the world, and which has encreaſed in proportion as conſcience has loſt its power. The worſt is, it is an evil which at preſent ſeems incurable.

CHAP.

CHAP. III.

Particular Treaties concluded between the ſeveral Powers of Europe, from the Treaty of Munſter to the Year 1701.

THE treaties collected under this head are all thoſe which have no relation to the grand pacifications, and are not conſiderable enough to deſerve ſingly a chapter apart.

THE SWISS (h). THEIR ALLIES.

The article that will be enlarged upon moſt, concerns the Helvetic Body. As the peace of Baden is to be ſpoken of, which ended the 7th of May 1656, the war between the cantons of Zurich and Bern, and thoſe of Lucern, Ury, Schwitz, Underwald, and Zug, it will be proper to give an account of the peace of Arau, the wiſe regulations whereof are capable of giving its full force to the ancient union of the Swiſs.

There would have been no mention of their particular wars, nor of the treaties of peace by which they were ended, if the thirteen cantons by their union formed but one common-wealth, or if each, by virtue of the Helvetic conſtitutions and laws, was ſubject to a general diet, as the princes of the Germanic Body are to the diet of the empire. But it is well known that the Helvetic Body ought rather to be called the League than the Republic of the Swiſs, and that the thirteen cantons form ſo many independent common-wealths. They are governed by very different principles;

(h) Or Switzers, ſo called from the canton of Switz, which does not give name to the reſt by way of eminence, but becauſe it was the firſt that aſſerted its liberty. The names of the thirteen cantons are, Zurich, Bern, Baſil, Schauſhauſen, (Proteſtants). Ury, Schwitz, Underwald, Lucern, Zug, Friberg, Soleure or Soluthurn, (Catholics), Glars, and Appenzel, (Proteſtants and Catholics).

each

each has all the rights of ſovereignty, and treats at pleaſure with foreign ſtates (i); their general diet has no power to make regulations, or impoſe laws (k).

'So far (ſays the author of the ſtate of Switzerland) are 'the thirteen cantons from making one body, that there are 'but the three moſt ancient cantons that are directly allied 'with each of the other twelve. Indeed there is ſuch a connexion eſtabliſhed among them, that if one canton was 'attacked, he other twelve would be obliged to march to its 'aſſiſtance; but it would be by the relation that two cantons may have with a third, and not by a direct alliance 'which each of the thirteen cantons has with all the reſt. 'For example, among the eight ancient cantons, Lucern 'can call only five to its aſſiſtance, in caſe of an attack; but 'then ſome of the five have a right to call in others with 'which they are allied, though Lucern be not; ſo that, in 'fine, they are all obliged to march by virtue of their particular alliances, and not by virtue of a general alliance between all the cantons.'

Till the beginning of the thirteenth century, nothing was capable of breaking the union of the Switzers. Zuinglius in 1516 preached his new doctrines; they prevailed; and what could not be effected by ambition, jealouſy, difference of intereſts, or a government founded on impolitic principles, was brought about by religious diſputes. Animoſity, mixing with theſe diſputes, kindled a war, carried on with warmth, ſupported by obſtinacy, and which ended not till 1531, leaving to each canton liberty to profeſs what religion they pleaſed.

'Before the change of religion (ſays the forementioned 'author) which happened in Switzerland about the ſame 'time as in Germany, there were none but general diets, 'and the common intereſt of their country was managed 'with great zeal and unanimity. But ſince ſome of the 'cantons have embraced the Proteſtant, and the reſt adhered 'to the Catholic religion, their ſtate has been divided as well 'as their church. From that time their mutual confidence

(i) Herein they differ from the United-Provinces; but agree exactly with the princes and ſtates of the empire, according to the fourth article of the capitulation of the preſent emperor, and the 6th of that of the emperor Charles VI.

(k) Nor have the States-general of the United-Provinces any ſuch power, becauſe each province preſerves it rights of ſovereignty.

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'was loſt; the zeal of each party for their religion bred 'enmity, they became jealous of one another's deſigns, and 'the reformation may be ſaid to ſplit in two the Helvetic 'Body. For as the intereſt of religion enters more or leſs 'into all their public actions, the general diets aſſemble 'now only to ſettle the affairs of their common bailiwicks, 'and to preſerve the external appearances of an union which 'no longer exiſts: whereas in effect all the public affairs of 'any importance are tranſacted in the particular diets of the 'two religions, the Proteſtant diets meeting at Arau, and 'the Catholic at Lucern. This canton being the moſt 'powerful among them, acts at the head of the Catholicks, 'as Zurich does of the Proteſtants.'

About the end of the year 1655, ſome inhabitants of the canton of Schwitz having embraced the Proteſtant faith, had a mind to retire with their effects into the canton of Zurich. They were ſeized, and notwithſtanding the remonſtrances of the Proteſtants, and the protection they granted theſe fugitives, they were condemned and executed as Anabaptiſts. This was ſufficient to kindle a war. The cantons of Zurich and Bern reſolved to be revenged of the canton of Schwitz, which was ſupported by thoſe of Lucern, Ury, Underwald, and Zug. France and the cantons of Baſil, Friburg, Soleure, and Schafhauſen, interpoſed their mediation; an accommodation was made and ſigned at Baden the 7th or eighth of March 1656.

It was agreed that each canton ſhould enjoy its religion, independence, and rights of ſovereignty; that the deciſion of all diſputes, which ſhould ariſe about any matter whatever, between the members of the Helvetic League, ſhould be referred to arbitration. That there ſhould be liberty of conſcience in the provinces ſubject to the thirteen cantons; and as for what relates to the change of religion, and the liberty of going with their effects from one canton to another, each country ſhould conform to its ancient uſages and cuſtoms.

This was only to be a patched-up peace, ſince nothing in particular was ſettled concerning the cauſe of the diſputes by which the union was broke. However, ſtipulations ſo indeterminate and improper to cure the troubles wherewith the Helvetic Body was threatened, ſerved to maintain the peace till 1712, when the cantons of Zurich and Bern took up arms in favour of the Toggenburgers.

The

The abbot of St. Gall, relying on the cantons of Lucern, Ury, Schwitz, Underwald, and Zug, who warmly eſpouſed his intereſts, had oppreſſed for ſome time the county of Toggenburg. This prelate daily formed new pretenſions on ſubjects who thought themſelves almoſt independent. He proceeded at laſt to moleſt them in the exerciſe of their religion, and, in a moment, the wiſdom and moderation for which the Helvetic body was ſo famous in Europe, was ſeen to vaniſh. All Switzerland was in arms; the forces aſſembled and marched; the Catholics were defeated at Bremgarten, and the firſt treaty of Arau was concluded the 18th of July 1712.

The public tranquillity would from thence forward have been reſtored, if one defeat had been capable to diſcourage the Switzers. The cantons of Underwald, Schwitz, and Zug, refuſed to ratify the late peace. The war continued, and a ſecond battle was fought at Wilmergue the 25th of July. The Catholics, entirely routed, had no other reſource but to ſign, the 9th of Auguſt, 1712, the ſecond treaty of Arau, by which the firſt was confirmed, and the conquerors gained ſtill more advantageous terms. But it was not till the 15th of June 1718, that the differences between the abbot of St. Gall and the count of Toggenburg were finally decided by the treaty of Baden.

Before the articles of this pacification are related, which is as famous in the Helvetic League, as the treaty of Munſter is in Germany, it muſt be remarked, that the Switzers, unwilling to ſacrifice their liberty to a deſire of aggrandizing themſelves, never interpoſe in the conteſts which ariſe between foreign powers. They obſerve an exact neutrality; are never guarantees of a treaty, and take no other advantage of the wars, by which Europe is often laid waſte, than to lend indifferently ſoldiers to their allies, and to the princes who apply for them. The Switzers deſire no more than the preſervation of their laws. They inhabit a country which cannot raiſe the ambition of any of their neighbours; and it may be ſaid, that they are ſtrong enough to defend it againſt the joint forces of all Europe. Invincible when they are united, and when they are only defending the entrance into their country, the nature of their government will not allow them to make any progreſs abroad. Why then ſhould they concern themſelves with the quarrels of their neighbours? If they are tied by treaties of friendſhip with the Griſons, the Valais, Neufchatel, St. Gall, Geneva, Mulhauſen,

hauſen, &c. and conſequently obliged to protect and defend them againſt the attacks of their enemies; it is becauſe theſe ſmall ſtates cannot draw them into any troubles; becauſe they have no ambition, becauſe they reſpect their neighbours; and forming for the moſt part a barrier to cover them, it would be the intereſt of the Helvetic Body to aſſiſt them, though they were not bound to it by treaties.

The Swiſs have alliances with the pope, the empire, the court of Turin, the houſe of Auſtria, the grand duke of Tuſcany, &c. But theſe alliances are only for a certain term, and generally they are to laſt no longer than the reign of a prince, and the four or five firſt years of his ſucceſſor. They are confined to capitulations about the levy of troops in the cantons, about their pay, their diſcipline, their privileges, and in general contain nothing intereſting enough to find a place in this collection. It is not the ſame with the treaty of Bern, concluded in 1712 with the United-Provinces, nor with the ingagements entered into by Lewis XIV, the laſt year of his reign, with the Catholic cantons, and the republic of Valais; and therefore they ſhall be mentioned after the treaties of Arau.

PEACE of ARAU.

1ſt. T. Ar. 1. 'The cantons of Zurich and Bern ſhall poſſeſs the county 'of Baden, with its dependencies, including the city of 'Bremgarten.'

Hitherto that county had belonged to the eight ancient cantons who conquered it in 1415, upon the houſe of Auſtria.

2d. T. Ar. 2. 4. 'All that part of the free bailiwic, commonly called 'Frey-Amtex, which extends in a ſtrait line from Lunck-'hoſen to Farwangen, ſhall be reſigned to the ſaid two 'cantons, ſaving however to Glaris all its rights, as not 'taking part in the late quarrel. The other part of the free 'bailiwics ſhall remain with their old maſters. The can-'ton of Bern ſhall be aſſociated to the co-ſovereignty of the 'ſeven ancient cantons, and its turn of regency ſhall be next 'to that of Zurich.'

Frey-Amtex had been conquered by the ſeven ancient cantons upon the houſe of Auſtria, at the ſame time with the county of Baden.

Ibid. 4. 'Zurich and Bern ſhall poſſeſs the city of Rappenſuil, 'with its dependencies. Bern ſhall be admitted to the co-'ſove-

'sovereignty over Turgovia, Rheintal, and the country of 'Sagans, and shall exercise its regency next after Zurich.'

Turgovia and Rheintal had been conquered by the seven ancient cantons upon the house of Austria. Appenzel, when made a canton, was admitted into the co-sovereignty of Rheintal. The seven cantons had purchased the county of Sargans of the last count of that name.

'Stein shall no longer be included in the sovereignty of 'Turgovia. The regency of that city shall belong to the 'Burghers, saving however the rights of the cantons of 'Bern, Friburg, and Soleure. 1st. T. Ar. 1, 2.

'The treaty of peace of 1531 is annulled, as if it had 'never been. The treaty of Arau shall for the future be a 'law to the cantons.

'The cantons of Zurich and Bern promise to leave entire 'liberty of conscience to the inhabitants of the countries re-'signed to them; to nominate to the ecclesiastical dignities 'subjects taken by turns in the Catholic cantons who share 'the sovereignty, and to impose no new taxes. Those who 'shall remove into some other part of Switzerland, or into a 'foreign country, shall pay no duty of exportation or impor-'tation for two years.

'In the provinces subject to cantons of different religions, 'the Protestants shall enjoy the same privileges as the Catho-'lic; there shall be a perfect equality between them. Se-'cret accusations and informations shall be abolished. Or-'phans shall have guardians of their own religion. One 'shall be called the Catholic, and the other the Evangelical 'religion; and it is equally forbid to the professors to use 'any injurious or ludicrous terms, when speaking of their 'respective religions. A malefactor condemned to die, shall 'be assisted by a minister of the religion he requires.

'The Catholics and Protestants shall have their separate 'baptismal fonts and burying-grounds in the places where 'the church is common to both religions; the first who shall 'officiate, shall be obliged to leave the church at eight 'o'clock in the morning during the spring and the summer, 'and in the other seasons at nine, unless it be otherwise 'agreed. If either party desire to build a church for their 'use, they may do it at their expence. From that time 'they shall lose their right to the church they have left; it 'is allowed however to treat about the renunciation; that 'is to say, the Protestants, who, for example, intend to 'build a church, may impart their design to the Catholics,

'and ſee what the others are willing to contribute towards 'it, that they may have a church to themſelves.

'The offices and magiſtracies ſhall be ſhared between per-'ſons of both religions. The graffier of Turgovia ſhall be 'Catholic, and the poſt of land-ammon in the ſame coun-'try ſhall be poſſeſſed by an Evangelic. The firſt magi-'ſtracy of Rheintal and Sargans ſhall be held by a Catholic, 'and the ſecond by a Proteſtant. The other officers, civil 'and military, as bailiffs, judges, ſummoners, procurators, 'advocates, &c. ſhall be half of one and half of the other 'religion. All affairs concerning the regale and general 'ordinances of the government, of the police and military, 'ſhall be brought to the general aſſembly of the cantons, 'who ſhall appoint an equal number of commiſſaries of both 'religions to give a definitive ſentence. In the general 'diets, there ſhall be two ſecretaries, one a Catholic, the 'other a Proteſtant; their regiſters ſhall be read in full aſ-'ſembly, and ſhall be rendered alike.

'No fortreſs ſhall be raiſed in the common lordſhips; 'and if the cantons come to wage war between them, nei-'ther of the contending parties ſhall ſollicit or compel the 'common ſubjects to take up arms in their favour.'

PEACE OF BADEN. ABBY OF ST. GALL. COUNTY OF TOGGENBURG.

Bad. 'The county of Toggenburg ſhall be ſubject to the 'abby of St. Gall, but ſhall preſerve all its ancient privi-'leges. The council of Toggenburg ſhall conſiſt of thirty 'Catholics and thirty Proteſtants, choſen by the inhabitants 'themſelves. They ſhall take care of the rights and in-'tereſts of the county. In caſe the abby and chapter of 'St. Gall ſhall refuſe them juſtice, they ſhall be allowed to 'apply to their allies, and demand their protection. The 'Toggenburgers ſhall freely profeſs the Catholic or reformed 'religion, as they pleaſe. Each of the religions ſhall have 'an equal number of magiſtrates of their communion. The 'annual revenues of the county ſhall be divided in two parts, 'of which one ſhall belong to St. Gall, the other to the 'country.

CAN-

CANTON of LUCERN. PRINCIPALITY of NEUFCHATEL.

'The canton of Lucern receives into its co-citizenſhip the duke of Longueville, count of Neufchatel and Valengin, and alſo the country and inhabitants of theſe two counties, and promiſes to defend them againſt all violence whatſoever (a).' T. Lucern. Nov. 9, 1695.

CANTON of BERN. UNITED-PROVINCES.

'The States-general of the United-Provinces, and the canton of Bern, mutually promiſe a ſtrict and perpetual friendſhip. T. Hague, June 21, 17.12. I.

'The republic of Bern ſhall defend the United-Provinces, when their territories, or the barrier aſſigned them by the peace, ſhall be attacked. The States-general ſhall be allowed to employ the troops of this canton that they have in their pay, for the defence of all the Britiſh dominions in Europe. Ibid. 2.

'The canton of Bern ſhall leave to the States-general the twenty-four companies which are in their ſervice; but if any foreign power attacks the ſaid canton directly or indirectly, they may be recalled. If Bern is in war with ſome other canton, the States-general ſhall not be obliged to ſend back the ſaid companies, but ſhall pay in that caſe a ſubſidy equivalent to the pay of thoſe troops. They ſhall alſo pay the ſame ſubſidy, if Bern, when ingaged in a foreign war, does not recall the twenty-four companies. In caſe they are recalled, the canton of Bern promiſes to ſend them back as ſoon as it ſhall be convenient. During peace, the United-Provinces may reduce each company to 150 men. Ibid. 4, 6, 7, 11.

'Whenever the United-Provinces ſhall maintain a defenſive war, the republic of Bern ſhall promiſe to levy four thouſand men, and furniſh recruits to keep them complete, unleſs the canton is at war itſelf, or have juſt cauſe to dread hoſtilities from ſome of its neighbours. Ibid. 4.

(a) The general articles propoſed by the ſtates of Neufchatel and Valengin to the king of Pruſſia, when, after the death of the ducheſs of Nemours, his majeſty took poſſeſſion of that ſtate, and which his majeſty accepted and ratified the 10th of Auguſt 1707, made not the leaſt mention of this citizenſhip. Rouſſet.

Ibid. 5. ‘The States-general ingage to defend the canton of Bern, ‘the city of Geneva, the counties of Neufchatel and Valengin, Bienne and Munſterthal, whenever they ſhall be attacked by any foreign power (b).

Ibid. 9, 10, 12. ‘The twenty-four companies in pay of the States-general ‘ſhall be given only to the burghers of the city of Bern, or ‘the ſubjects of that canton. When the States-general ſhall ‘make new levies in Bern, the canton ſhall name the captains.

Ibid. 17. ‘Theſe companies ſhall not be employed in prejudice to ‘the treaties between the Helvetic Body and France ‘and Auſtria. But as theſe treaties are purely defenſive, Bern will not permit France or the houſe of Auſtria ‘to uſe its ſubjects beyond the terms preſcribed, or to employ them againſt the United-Provinces or their barrier.

‘Theſe troops in the pay of the States-general ſhall ſerve ‘only by land. They ſhall not be tranſported beyond ſea, ‘except to Great-Britain when that kingdom is attacked.’

This laſt article belongs to the convention of the 5th of January 1714, ſigned at the Hague by the States-general and the canton of Bern. The reſt of the articles concerning the diſcipline of the Swiſs are not worth mentioning.

(b) That is to ſay, in the ſaid ſtates, for it cannot be ſuppoſed that the king of Pruſſia, for example, attacked in Cleves, can, as count of Neufchatel, demand the aſſiſtance of the States-general.

GRISONS (c). UNITED-PROVINCES.

T. Hague, Aug. 19, 1713. 2, 3, 6. ‘There ſhall be for ever a defenſive league of friendſhip ‘between the United-Provinces and the Griſons.

‘The Grey-Leagues ingage to defend the poſſeſſions and ‘barrier of the States-general, and agree that the Griſons in ‘their pay ſhall be employed in defence of all the dominions ‘of Great-Britain in Europe.

‘The States-general ſhall always keep in their ſervice ſix ‘companies of Griſons, whoſe officers ſhall be permitted to

(c) The Griſons juſt entered into a league with one another in 1471, and with the Switzers in 1491. They are divided into three Leagues; 1. The Grey-League, 2. The League of the Houſe of God. 3. The League of the Ten Juriſdictions. Their name is derived from their wearing Grey Scarfs when they firſt leagued together.

‘raiſe

'raiſe the neceſſary recruits to complete them in the territo-
'ries of the Grey-Leagues. If the Griſons are obliged to
'maintain a defenſive war, the United-Provinces ſhall pay
'them a ſubſidy equivalent to the pay of the ſix companies.
'In this caſe, the Leagues may recall two thirds of the offi-
'cers, if the States-general are in peace, and one third if in
'war. The ſix companies ſhall not be recalled at no time
'nor on any account.

'If the States-general are attacked, they ſhall raiſe two Ibid.
'thouſand men and recruits in the territories of the Griſons,
'unleſs they themſelves are in war, or have reaſon to fear
'being attacked.

'The States-general promiſe to defend, on all occaſions,
'the three Griſon-Leagues, their country and their ſove-
'reignty. They accede to the treaty which the Leagues
'made with England the 13th of March 1707, and ingage
'to uſe their good offices for the entire execution thereof.'

The treaty mentioned here was concluded at Coire by the emperor Joſeph and queen Anne, with the Griſons. The Leagues had granted the imperial troops free paſſage through their lands, on certain conditions which the courts of Vienna and London were not very forward to perform.

'The ſix companies of Griſons in the pay of the United- Ibid.
'Provinces, ſhall be conferred on ſubjects of the Leagues, 7.
'and the States-general, in time of peace, may reduce them
'to 150 men each.'

CATHOLIC CANTONS. REPUBLIC OF THE VALAIS. FRANCE.

'All the treaties of Alliance concluded between France T. Sol.
'and the Helvetic Body ſhall be faithfully obſerved.' 2.

The treaty of Soleure, of which this is the firſt article, was concluded by Lewis XIV. with the Catholic cantons and the republic of Valais, the 9th of March 1715.

'The alliance of Soleure is contracted in the name of all Ibid.
'the kings of France, ſucceſſors of Lewis XIV. They 3.
'ſhall ratify it at their acceſſion to the crown, and promiſe
'punctually to perform all the articles. The Catholic can-
'tons and republic of the Valais, ſhall at the ſame time renew
'their promiſes. Then thoſe things ſhall be provided for
'which ſhall not have been foreſeen in this treaty; and the
'abuſes redreſſed which the difference of times and circum-
'ſtances may have produced in the obſervation of any article.

Ibid. 4. ‘If the kingdom of France is attacked at home or from ‘abroad, the Catholic cantons ſhall promiſe, ſix days after ‘notice, to make a levy not exceeding ſixteen thouſand men. ‘It ſhall be made at the expence of the moſt Chriſtian king, ‘who ſhall appoint the officers. Theſe troops ſhall be em- ‘ployed only at land. As ſoon as the war ſhall be ended, ‘France ſhall ſend them back, paying them to the day of ‘their arrival at their own homes.

Ibid. ‘If the Helvetic body, or any particular canton, is at- ‘tacked by a foreign power, his moſt Chriſtian majeſty ſhall ‘ſend proper ſuccours. If troubled with inteſtine diſtur- ‘bances, he ſhall uſe his good offices to bring the parties to ‘a juſt accommodation. But in caſe that method does not ‘ſucceed, he ſhall employ all his forces without any ſubſidy, ‘to compel the aggreſſor to obſerve the regulations preſcribed ‘by the alliances which the cantons have made.

Ibid. ‘The king of France ſhall not permit his ſubjects to ſerve
art. 22. ‘any power whatever againſt the Helvetic Body. On their ‘part, the cantons or their ſubjects ſhall never act hoſtility ‘againſt the king of France, either by attacking his armies ‘or invading his dominions.

‘If a ſucceſſor of Lewis XIV. ſhall endeavour to retake ‘the lands and demeans ſpecified in the alliance concluded ‘by Francis I. in 1521 with the Helvetic Body, the cantons ‘ſhall refuſe all aſſiſtance.’

The demeans mentioned here, are the ſtates of Italy, to which the kings of France had pretenſions, and which they have in vain tried to conquer by obſtinate wars. Theſe wars employed the reigns of Charles VIII, and his ſucceſſors, to Henry II. Lewis XIV, after the example of his predeceſſors who have treated with the Swiſs, ſtyles himſelf, in the alliance of Soleure, duke of Milan, count of Aſté, lord of Genoa, &c.’ The ſame titles had been aſſumed by him in the renewals of alliance of the 1ſt of June 1658, and the 4th of September 1663.

It may be aſked whether the cuſtom of aſſuming the titles of certain provinces which a prince does not poſſeſs, but to which he has pretenſions, be equivalent to a proteſtation, and ſufficient to hinder preſcription. To this it may be anſwered; if a prince, who continues to take the title of a province of which he has been deprived, does nothing from whence it may be inferred that he authoriſes the uſurpation of his enemy, there is no doubt that his title anſwers to a continual proteſtation. But if he contradicts himſelf by his conduct, the titles he aſſumes, can be of no force, and are con-

conſidered as the effect of his vanity. Theſe titles ſignify nothing at preſent in Europe. It is ſaid, Charles II. had a mind to ſell his title of 'King of France' to Lewis XIV. but the French miniſter, to whom the offer was made, jocoſely replied, the king his maſter had alſo a title of 'King of Navarre', which he would ſell a good bargain. It is cuſtomary in a treaty where one of the parties bears a title which the other cannot acknowledge, to inſert a particular clauſe, by which it is agreed, that the titles aſſumed by one party ſhall not prejudice the other.

'If the Swiſs league with France to make war againſt a common enemy, the parties ſhall agree upon the military operations, and conclude in concert, treaties of truce, ceſſation of arms, and of peace.' T. Ol. 23. 27.

'Neither of the parties ſhall ſuffer the enemies of the other to remain in his dominions, or grant them paſſage or aid.'

'If France ſhall attack the holy ſee, the empire, the houſe of Auſtria, the lordſhip of Florence, or any other ally of the Helvetic body, the cantons and republic of the Valais ſhall not be obliged to aſſiſt. But in caſe the moſt Chriſtian king is attacked by any of theſe powers, they ſhall furniſh him with ſuccours.' Ibid, 34.

'Both ſides are obliged to give free paſſage to the troops that ſhall march for the defence of one of the parties, or for the aſſiſtance of any of their allies. Exact diſcipline ſhall be obſerved on the road, and the ſoldiers ſhall pay ready money for what they ſhall want.' Ibid, 29, 30.

'The alliance of the kings of France, as the moſt antient of the Helvetic body, ſhall be preferred to that of all other ſtates.'

PEACE OF THE HAGUE.

PORTUGAL, UNITED-PROVINCES.

'The United-Provinces renounce all their pretenſions to the Braſils, on condition, they ſhall be allowed to carry on there all ſort of commerce, except of Braſil-wood, and to navigate and trade in all the ports, roads, harbours and places which belong to the Portugueſe on the coaſt of Africa.' T. Hague. 2, 3, 4.

'The parties ſhall remain in poſſeſſion of the towns, places, caſtles, &c. which they hold in the Eaſt-Indies or elſewhere, when the peace ſhall be publiſhed, each party renouncing all his pretenſions.' Ibid, 6.

This

This treaty of alliance between Portugal and the United-Provinces, was concluded at the Hague, the 6th of Auguſt 1661.

The United-Provinces had made themſelves maſters of Braſil and the Eaſt-Indies whilſt Portugal was under the dominion of Spain. After the Portugueſe had recovered their independence, they ſought the friendſhip of the Dutch, who, in ſpite of treaties, continued the war underhand. The Portugueſe ſeriouſly thought of a defence, and by their wiſe conduct entirely drove the Dutch out of their ſettlements in Braſil in 1657. The States-general then declared war againſt Portugal, and refuſed the mediation of France and of Cromwell in 1658. This war was ended by the abovementioned treaty, which will be ſpoken of more largely in the chapter of commerce. In the mean time, it muſt be obſerved, that it is ſaid in the fourth article of this treaty, 'that if the king of Portugal breaks any of the conditions of 'the peace, the United-Provinces ſhall be poſſeſſed again of 'all the rights they renounce. Thoſe of his Portugueſe ma'jeſty ſhall alſo revive in caſe the States-general ſhall infringe 'any article of the treaty'

PEACE OF BREDA.

ENGLAND, UNITED-PROVINCES, FRANCE, DENMARK, Biſhop of MUNSTER.

Nothing very conſiderable paſſed in the war which was ended at Breda the 31ſt of July, 1667, between England on one part, and France, Denmark, and the United-Provinces on the other. The hoſtilities had commenced two years before, on account of ſome forts which the Engliſh had taken on the coaſt of Guiney, and from which they were driven by the Dutch. The United-Provinces, faintly ſupported by allies who had unwillingly ingaged in their quarrel, and eſpecially by the king of France who wiſhed to ſee an end of the war, very readily conſented to an accommodation. This peace altered not the ſituation of the parties. All was reſtored that they had taken from each other during the war, and after the uſual articles in all the treaties of peace, or ſuch which relate only to the circumſtances of the times, there were hardly any ſtipulations but what concerned commerce.

After the death of Charles I. Cromwell, who, under the title of Protector, was become abſolute king of England, never

never failed to inſert in all his treaties with foreign ſtates, that they ſhould not harbour within their dominions any rebel or public enemy of his government. At his acceſſion to his father's throne, Charles II. followed Cromwell's example, and in the treaty of Breda, the States-general engaged not to receive into their dominions any ſuch perſons as ſhould be declared his enemies.

'All ſhips and veſſels of the United-Provinces, as well T. Br. 9.
'men of war as merchant-ſhips, ſhall ſtrike the flag and
'lower the ſail when they meet any Engliſh men of war in
'the Britiſh ſeas.'

Thirteen years before, Cromwell had obliged the Dutch to this ſalute by the treaty of Weſtminſter of the 15th of April 1654.

The accommodation concluded between Charles II. and Frederic III. king of Denmark, contains two important articles. In the firſt, 'it is agreed, that the debt of 120,000 'rixdollars contracted by the Daniſh king with the Engliſh 'company of merchants at Hamburgh, ſhall be remitted.' By the other 'Frederic preſerves his claims to the Orcades and 'the iſle of Hitland, which the kings of Norway had formerly mortgaged to Scotland, on condition of redeeming 'them at pleaſure.' Theſe articles are in the act ſigned by the ambaſſadors of Sweden and France at the congreſs of Breda.

The biſhop of Munſter took part in the quarrel between England and Holland. The prelate who then held that biſhopric, was the famous Van-Galen, ſo noted for his military genius and qualities. Ever reſtleſs, always in action, peace was to him an unnatural ſtate, and he was by turns enemy or ally of all the powers he could attack, or who enabled him to make war.

This biſhop, to whom Charles II. had promiſed conſiderable ſubſidies, invaded the province of Over-Yſſel, and, as if the very name of the United-Provinces had been to be extirpated, he began hoſtilities with ravages worthy of an Attila. He had made ſeveral conqueſts, when the Dutch took from him Lokon. This check, the ſlowneſs of England to ſend him ſuccours, and the good offices of France, determined him to hearken to an agreement. His treaty of peace with Holland was concluded at Cleves the 18th of April, 1666. The emperor, Lewis XIV. the electors of Mentz, Cologne, and Brandenburg, the dukes of Newburg, Brunſwic and Lunenburg, and the biſhop of Paderborn, were guarantees.

'Saving all the rights of the empire, the biſhop of Munſter T. Cleves.
'renounces all pretenſion of ſuperiority over the city and caſtle
'of Borculoë.'

PEACE

PEACE of LISBON.

Spain, Portugal.

This treaty ended the war between theſe two powers, which begun in 1640, at the time of the famous revolution in Portugal, the hiſtory of which is univerſally known. The Spaniards ceaſed not to treat the Portugueſe as rebels, till they diſpaired of reducing them. France had in vain laboured a reconciliation between them at the congreſs of Munſter and the Pyrennees.

T. Liſ. 2. 'Spain reſigns to the houſe of Bragança, the kingdom of 'Portugal, acknowledges it independent, and reſerves only 'the town of Ceuta.'

The treaty, of which this is the ſecond article, was ſigned at Liſbon, the 13th of February, 1668.

PEACE of AIX-LA-CHAPELLE.

France, Spain.

'At the death of Philip IV. king of Spain, the 17th of September, 1665, Lewis XIV. pretended that his queen had a right to Brabant, the Cambreſis, the Duchies of Luxemburg, Namur, &c. by virtue of the laws in theſe countries with regard to ſucceſſions. The king of France ſent his demands to his Catholic majeſty, who rejected them with diſdain. During the year and half that he refuſed to liſten to a negotiation, he imprudently neglected to put the Netherlands in a ſtate of defence. Lewis XIV. invaded them about the end of May 1667. His conqueſts were rapid; Tournay and Oudenarde held out but two days, Douay three, Liſle nine. Holland was alarmed, and, with England and Sweden, concluded, the 23d of January 1668, an alliance, commonly called the Triple League. They offered their mediation, and, 'in caſe the king of France ſhall refuſe to accept of the 'peace concerted by this treaty, England and Holland ſhall 'be obliged to make war againſt France till things be re-'duced to the condition they were in at the Pyrennean treaty.'

Triple League.

As the Triple League did not anſwer the intended purpoſe, the reſult of it was another treaty, concluded at Aix-la-Chapelle the 2d of May following, which, inſtead of retrieving what was loſt, confirmed Lewis in the greateſt part of his conqueſts.

T. Aix. 3, 4, 8. 'Spain yields to France the cities and places of Binck, Charleroy, Aeth, Douay, fort Scarpe, Tournay, Oudenarde, 'Liſle, Armentiers, Courtray, Bergues, and Furnes, with 'all their dependencies.'

PEACE

PEACE OF VERSAILLES.

FRANCE, GENOA.

The republic of Genoa, about the end of the year 1683, incurred the diſpleaſure of France. The Genoeſe were accuſed of hurting ſeveral branches of the French trade in Italy, of declaring indecently and on all occaſions in favour of the Spaniards, and of plotting with them to burn the gallies and ſhips in the ports of Marſeilles and Toulon. The marquiſs of Seignelay, charged with requiring ſatisfaction for theſe grievances, appeared before Genoa the 17th of May 1684, with a large ſquadron. He offered peace to the Genoeſe, and threatened to bombard them in caſe of refuſal. The ſenate was obſtinate, and endured a ſevere bombardment. The ducal palace was burnt, with many others of the nobleſt in the city. They would not have attempted to reſiſt France, had not the large poſſeſſions of their nobles in the kingdom of Naples induced them to keep fair with Spain. The peace was concluded between France and Genoa at Verſailles, the 12th of February 1685, the doge and four ſenators having been obliged to come to the French court and make their ſubmiſſion.

'The lordſhip of Genoa renounces the treaties of league T. Ver. 'and aſſociation made ſince the beginning of 1683, and ſhall 3, 4. 'diſarm their gallies.'

It is needleſs to mention what relates to the houſe of Fieſque; but the ſecond article of this treaty muſt not be paſſed over in ſilence. It is of importance, as is derogates from the fundamental laws of the republic of Genoa.

'The doge and the four ſenators which ſhall repair to the 'court of France, ſhall be reſtored at their return to Genoa 'to the exerciſe of their poſts and dignities, and none ſhall be 'put into their places during their abſence or after their re-'turn, unleſs the uſual time of their office be expired.'

In 1672, there aroſe ſome differences between Genoa and the duke of Savoy, about their reſpective limits. The mediation of the the king of France ſuſpended the firſt hoſtilities, and the peace was ſigned at Turin the 8th of March 1675. Nothing more is ſaid of this treaty, as it cauſed no alteration in the affairs of the parties.

ACCOMMODATION OF PISA.

HOLY SEE, FRANCE, Houſe of FARNEZE, MODENA, CORSICA.

'The Corſicans ſhall be declared incapable to ſerve in T. Piſa, 12. 'Rome, and in all the eccleſiaſtical ſtate.'

The

The treaty of Piſa, ſigned the 17th of February 1664, ended the quarrels between the court of France and the pope, on account of an inſult on the duke de Crequy by the Corſican guard (d).

Aug. 20. 1662.

When this unhappy affair fell out, the two powers incenſed againſt one another had not forgot their diſputes about the immunities. France required a ſatisfaction the more authentic, as the pope ſeemed to countenance the inſult of the guard, and to ſubmit rather thro' fear than thro' juſtice. The 13th article of the treaty of Piſa, concerns the famous pyramid which Lewis XIV. ſuffered to be demoliſhed in 1667, under the pontificate of Clement IX.

T. Piſa, 1. 'The pope ſhall revoke the incameration of the duchies 'of Caſtro and Ronciglione. The duke of Parma ſhall 'take poſſeſſion of them, paying to the apoſtolical chamber 'the ſum he owes it, of a million three hundred twenty-nine 'thouſand ſeven hundred and fifty crowns. This ſum ſhall 'be delivered by two equal payments, and within the ſpace of 'eight years. On the firſt payment the duke of parma ſhall 'take poſſeſſion of one half of theſe ſtates (e).

This

(d) The French in foreign countries relying on the power of their monarch are often very inſolent: This occaſioned the inſult of the Corſicans on the ſervants of the duke and ducheſs of Crequy, Aug. 20, 1622, As it is known that don Mario Chigi, brother of pope Alexander VII. and general of the eccleſiaſtical ſtate, had exaſperated the Corſicans by threatning to break thoſe who ſuffered themſelves to be inſulted by any Frenchman; it is not doubted that his holineſs was concerned in the affair, and as the duke of Crequy could not obtain ſatisfaction, he left Rome with all the great men adherents to France, The king, who was before diſpleaſed with the pope, who had refuſed to agree with the dukes of Parma and Modena, took Avignon, and declared war againſt the pope, whom he treated much in the ſame manner as he afterwards did the Genoeſe in 1684; for his holineſs was obliged to ſend his nephew with the character of Legate into France, where he pronounced, at the foot of the throne, a ſpeech the moſt ſubmiſſive and mortifying, ſuch as the pride of that monarch had dictated, and which may be ſeen in the treaty itſelf in Part. III. Tom. VI. of the diplomatic body p. 2. Of the 15 Articles, only thoſe directly relating to his moſt Chriſtian majeſty were performed.

(e) The hiſtory of this Incameration or re-union to the eccleſiaſtical ſtate, of which theſe duchies were fiefs, is very curious, but too long to be inſerted here. The ambition of the Barberinis, nephews of Urban VIII. was the riſe of it in 1626, and the Incameration was made in 1646, under Innocent X. on pretence that duke Ranuce, ſon and ſucceſſor of Odoardo, who had theſe diſputes with the Bar-

This article was never executed. The court of Rome having been reconciled to France, conſtantly refuſed to reſign theſe duchies, and the houſe of Farneſe, too weak to compel the pope to perform his ingagements, was ſatisfied with proteſting againſt the injuſtice done them. This affair might have had a different iſſue, had not Don Carlos, who inherited all the rights of the houſe of Farneſe, given up by the treaty of Vicara in 1738, the duchy of Parma to the emperor Charles VI, who ingaged not to proſecute the diſincameration of Caſtro and Roneiglione.

'The pope ſhall indemnify the duke of Modena for his pretenſions to the place and the vallies of Comachio.' Ibid. 2.

This convention has been no better executed than the foregoing; but the rights of the houſe of Eſté have not been weakened by any after-act.

RENUNCIATIONS.

HOUSE OF ORLEANS. HOUSE OF SAVOY.

In the contract of marriage of Anne of Orleans with Victor Amadeus duke of Savoy, is the following article:

'Anne of Orleans, daughter of Philip of France, duke of Orleans, and of Henrietta of England, renounces all rights which may belong or fall to her on her father's ſide.' Art. 5.

HOUSE OF SAVOY. HOUSE OF BAVARIA.

In the contract of marriage of Adelaid of Savoy with Ferdinand elector of Bavaria, the 4th of December 1650, is this article:

'Adelaid of Savoy, marrying Ferdinand of Bavaria, renounces all her rights, ſaving a portion of two hundred thouſand gold crowns; but if the poſterity of her brother Charles-Emanuel II, duke of Savoy, comes to fail, this renunciation ſhall be null, and Adelaid or her deſcendants ſhall be reſtored to all her rights.'

HOUSE OF BAVARIA. FRANCE.

In the contract of marriage of the princeſs of Bavaria with the Dauphin of France, ſigned at Munich the 30th of December 1679, is the following renunciation:

berinis, had not paid to the his father and he owed them, mounts of piety that ſum which

'Maria-

Art. 2. 'Maria-Anna-Chriſtina, electoral princeſs of Bavaria, 'and wife of Lewis Dauphin of France, ſon of Lewis XIV, 'makes a full and general renunciation in favour of the 'princes of her houſe, of all rights that may belong to her 'by her birth.'

ACQUISITIONS. CONCESSIONS.

FRANCE. HOUSE OF BOUILLON.

In a contract paſſed at *Paris* the 20th of March 1651, is the following article:

'In exchange of the ſovereignties of Sedan, Rancourt, 'and of part of the duchy of Bouillon, which the duke of that 'name poſſeſſes, the king of France gives him the duchies 'of Albert and Chateau-Thierry, the counties of Auvergne 'and Evreux, &c.'

UNITED-PROVINCES. TEUTONIC-ORDER.

In the treaty of the Hague the 14th of June 1662, between the archduke Leopold, as grand maſter of the Teutonic Order, and the States-general, is this article:

'The States-general of the United-Provinces reſign to 'the Teutonic Order the ſovereignty of the place and terri-'tory of Gemert, for forty thouſand Florins, and on condi-'tion that the civil juriſdiction of that place ſhall remain to 'the city of *Bois-le-Duc*.'

FRANCE. ENGLAND.

By a treaty concluded at London the 27th of October 1662, it was agreed:

'The town of Dunkirk, with all its fortifications and de-'pendencies, the fort of Mardyke, the wooden fort, and 'the great and ſmall forts between Dunkirk and Berg St. Vi-'nox ſhall be delivered to the moſt Chriſtian king, upon his 'paying five millions of livres Tournois to Charles II. king 'of England.'

Cardinal Mazarine having formed the project of conquering the Spaniſh Netherlands, made a treaty with Cromwell, 1658. by an article of which Dunkirk was to remain in the hands of the Engliſh, when taken from the Spaniards. The cardinal's politics were greatly blamed, and very juſtly. It is viſible,

ſible, how detrimental it was to the French for England to be poſſeſſed, on their frontiers, of a place of ſuch importance. Mazarine alledged in his juſtification, that Cromwell was to be gained, which nothing could effect but the ceſſion of Dunkirk. Poſſibly he was in the wrong; it was the protector's intereſt to declare againſt Spain; if he ſeemed not to know it, 'twas only an artifice to ſell the dearer his alliance and ſuccours to the enemies of the court of Madrid. The cardinal was here over-reached, who was always inclined to believe what he feared (a).

(a) If the cardinal was condemned for giving up Dunkirk to the Engliſh, what muſt we ſay of king Charles II, who wantonly ſold ſo important a place to the French for a little ready money?

SWEDEN. UNITED-PROVINCES.

'The king of Sweden and the Swediſh African company renounce all their pretenſions to Cabo-Corſo, and transfer to the Dutch Eaſt-India company all their rights to that place, and to their other eſtabliſhments on the coaſt of Guiney.' T. Hague. 1667. 5.

This treaty was concluded at the Hague the 28th of July 1667, to put a ſtop to the hoſtilities which the trading companies of Sweden and Holland began to commit againſt one another. The Swedes demanded ſome arrears of ſubſidies, which they pretended were due from the United-Provinces. The Dutch, on their ſide, complained that Sweden had not furniſhed all the ſuccours agreed upon by former treaties. Ibid. 7, 8.

HOUSE OF BRANDENBURG. UNITED-PROVINCES.

'Frederic-William, elector of Brandenburg, reſigns in full property to the States-general the fort of Schenk (b).'

This is the ſecond article of the treaty between theſe two powers, concluded at Cologne on the Spree the 8th of March 1678.

(b) It ſhould have been added, 'with the ſovereignty of the territory where the fort was built in 1586, at the time when the dukes of Gueldres and Cleves were diſputing about the bounds of their dominions, of which the territory where Schenk was built, was part.'

FRANCE. STRASBURG.

'The pretor, conſuls and magiſtrates of Straſburg, and 'the city, acknowledge the king of France for their ſovereign 'lord and protector.'

This act of 1681, between Lewis XIV. and the magiſtrates of Straſburg, of itſelf invalid, has ſince been ratified at the peace of Ryſwic by the general diet of the empire.

FRANCE. SPAIN.

'The ſubjects of France and Spain ſhall freely navigate 'and fiſh in the river Bidaſſon and in the road of Figuier. 'The French ſhall be allowed to come near Fontarabia, and 'the Spaniards near Andaye, provided they are not armed 'or have obtained leave to be ſo of the governors of theſe 'places.'

This convention was ſigned at Madrid the 19th of October 1683.

HOUSE OF SAVOY. UNITED-PROVINCES.

'Victor-Amadeus, duke of Savoy, re-eſtabliſhes the Vaudois, of the pretended reformed religion, in the poſſeſſion 'of all their goods, and grants them the free exerciſe of their 'worſhip, and alſo to all other his ſubjects who ſhall retire and 'ſettle in the valleys of the Vaudois.'

By this treaty made at the Hague the 20th of October 1690, the duke of Savoy acceeded to the treaty which was concluded at Vienna the 12th of May 1689, between the emperor and the United-Provinces, and which was afterwards called the Grand Alliance, becauſe all the enemies of France came into it.

ALLIANCES. GUARANTEES. POLAND. DENMARK.

'The kings of Denmark and Poland form a perpetual al- 'liance, and promiſe to aſſiſt each other with all their forces, 'when either ſhall be attacked by Sweden. They promiſe, 'when they have once taken up arms, not to make a ſepa- 'rate peace.'

In conſequence of this treaty of Aſtmen, the 28th of July 1657, Denmark aſſiſted Poland during the war with Guſtavus-Adolphus, which was ended by the peace of Oliva.

Some politicians blame theſe kinds of alliances which are made for no limited time. They juſtly obſerve that from thence there

where ariſes an engagement which may be detrimental to one of the parties when his circumſtances are altered, or hinder him often from taking advantages which the ever fluctuating courſe of affairs offer him (c). If the great ſtates ſhould not make perpetual alliances, it is not the ſame with leſſer ſtates, whoſe true intereſt it is to conſult their own preſervation, by putting themſelves under the protection of a powerful neighbour.

The clauſe by which two allies promiſe not to make peace but in concert, has its limitations. 'It would not be juſt (ſays the author upon the principles of law and morality) 'that the tranquillity of all the confederate ſtates ſhould 'abſolutely depend upon a ſingle ally who ſhould obſtinately 'refuſe reaſonable overtures of peace. Let us try to fix 'theſe limitations as the law of nations requires.'

'A prince who is willing to negotiate a peace, ought not 'to conclude any thing with the common enemy, without 'the knowledge of his allies, and without having himſelf 'declared that he will not leave them, unleſs they reject pro-'poſals reaſonable on the whole. He ought to act ſincerely 'according to this declaration; ſo that as long as his allies 'do not perverſely reject ſuch propoſitions, the execution 'whereof ought to be conſidered as a juſt reſult of the war, 'he ſhould not make his ſeparate peace.'

Theſe reflections are very juſt, and ought to regulate the conduct of princes, who, joining in a league, are not agreed on the objects they propoſe by the war. But when they covenant not to lay down their arms till ſuch or ſuch ſatisfaction is obtained; the theſis is changed, and the articles agreed on being then conſidered as the juſt reſult of the war, ought to be performed before any of the allies can make his ſeparate peace; unleſs he is certain that his confederates will be before-hand with him, or is threatened with ruin by continuing the war. Every confederate prince, who, except in theſe two caſes, liſtens to any ſeparate agreement, his contract is inva-

(c) This reaſoning, extremely juſt in itſelf, held good in thoſe happy times when ſincerity was not yet baniſhed, when the French diſtinction of the ſpirit and letter of a treaty was unknown, or when the diabolical political theſis was not yet maintained, that "a prince is a "fool who keeps his word "when it is no longer his "intereſt:" And that "he "ought to break the treaty "when the circumſtances which "occaſioned it are changed."

lid (d). He may conſequently break his engagements, provided, he returns to the ſame ſituation he was in when the contract was made. To conclude, every ally that treats ſeparately, ſhould have the prudence to ſtipulate that his private conventions ſhall be included in the final treaties of the general peace.

FRANCE, NEUFCHATEL.

'There ſhall be perpetual alliance and friendſhip between 'the crown of France and the ſovereignty of Neufchatel and 'Valengin (e). The moſt Chriſtian king ſhall at pleaſure 'raiſe levies of men in thoſe two countries, after notice given 'to the ſovereign. All thoſe that are willing to enter into 'the ſervice of France, ſhall be free to do it. Their prince 'ſhall not recall them till he is attacked; and in that caſe 'his ſubjects ſhall not withdraw without leave, which ſhall 'always be granted. They ſhall have the ſame pay as the 'Swiſs; and throughout the kingdom they ſhall enjoy the

(d) This is what may juſtly be ſaid of queen Anne's ſeparate peace with Lewis XIV. in 1712. Since the end of the war, which was not to leave Spain and the Indies in the houſe of Bourbon, was not accompliſhed. The emperor Charles VI. ſaid the miniſters who made the peace, would be too powerful if he poſſeſſed all the dominions of the houſe of Auſtria with the empire. They might be in the right; but was there no medium? could not the crown of Spain be placed on the head of a prince who could give no umbrage to the two houſes, as the prince of Bavaria? The ſame may be ſaid of the ſeparate peace which Charles VI. made with the Turks at Belgrade, without including the Ruſſians, who were forced to renounce the advantages they could reap from the great conqueſts they had made to the mouth of the Boriſthenes, and from thence beyond the Nieſter into Moldavia. But the king of France, who had kindled the war to weaken both the emperor and the Ruſſians, omitted nothing to ingage the emperor to make his peace when fortune had turned againſt him, before the rapid progreſs of count Munich had drawn him out of his ill ſituation, ſo that he purchaſed peace with the ceſſion of Belgrade and the kingdom of Servia. Rouſſet.

(e) Rouſſet obſerves this alliance was not perpetual, and remarks, that theſe ſovereignties have their ſtates like Holland, Languedoc, Bretagne, and that there is a difference between contracting with theſe ſovereignties or with their ſovereign.

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privileges granted, or to be granted, to the cantons of the Helvetic body.

'The inhabitants of Neufchatel and Valengin ſhall not 'ſerve directly nor indirectly againſt the king of France. 'Their courts ſhall refuſe paſſage to his enemies, and grant 'it to all the troops in the pay of France. Two companies 'of the Swiſs guards of the moſt Chriſtian king ſhall be 'commanded by officers natives of theſe two counties or 'derived from thence.'

This treaty was concluded at Paris the 12th of December 1657, between Lewis XIV. and the duke of Longueville, prince and ſovereign of Neufchatel and Valengin.

ENGLAND, UNITED-PROVINCES.

'If any prince or ſtate whatever ſhall invade the domi- T. Al. 1, 4.
'nions of the king of Great-Britain, or commit any hoſti-
'lities againſt him, the States-general ſhall aſſiſt him, within
'ſix months after they are demanded, with forty men of war,
'fourteen of them to carry from 60 to 80 guns and 400
'men each; fourteen more from 50 to 60 guns and at leaſt
'300 men each; and none of the remaining twelve leſs than
'36 guns and 150 men; and, beſides, with 6000 foot and
'400 horſe.

'Three years after the expiration of the war, during
'which the States-general ſhall furniſh theſe aids, the
'charges ſhall be refunded by England. To prevent diſ-
'putes on this head, the charges of the firſt fourteen ſhips
'are fixed at 18,666 l. ſterling; the other fourteen at
'14000 l. ſterling; and the reſt are valued at 6000 l. The
'charge of the 6000 foot ſhall be 7500 l. and of the 400
'horſe, 1040 l. for every month; but for the firſt month
'there ſhall be 6000 l. paid over and above, for the foot,
'that being neceſſary for their levying and arming.

'The king obliges himſelf in the ſame manner and in the
'ſame proportions, to aſſiſt the Dutch againſt any enemy.

'The auxiliary troops and ſhips on either ſide ſhall be un-
'der the command of the party attacked or injured.

This treaty, made at the Hague the 23d of January 1668, deſerved mention, though it was never executed, and was even ſuperſeded by the alliance between Charles II. and the States-general, concluded the 3d of March 1678, of which an account will be given in the next chapter.

It is cuſtomary to agree in the treaties of alliance, that one of the parties ſhall aſſiſt the other when attacked in any of his dominions. Many condemn the manner of ſtipulation, and think it wrong, in that it may engage a ſtate in an injuſt quarrel, and change a defenſive into an offenſive league; for it daily happens, that a prince who is attacked the firſt by way of arms, is however the aggreſſor, either becauſe he has refuſed a reaſonable ſatisfaction for ſome injury, or becauſe he will not reſign what he unjuſtly detains.

It is eaſy to anſwer theſe objections. So far is a prince from being bound to aſſiſt an ally who has made himſelf enemies by his ill conduct, that he is not to ſide with him. Hence it is plain, the other objection falls of itſelf, and it is not to be feared that a defenſive alliance will be changed into an offenſive. Indeed, in doubtful caſes, where both parties ſeem to have right on their ſide, the intereſts of an ally are to be defended; and it muſt be confeſſed, morality cannot diſapprove of ſuch a conduct.

It appears reaſonable to ſtipulate as is uſually done; for when a defenſive league is formed, the queſtion being to ſet forth preciſely and clearly the caſe of the alliance, a fixed, certain, and indiſputable point muſt be determined. And what other point can be choſen but an act of hoſtility? Any other grievance whatſoever, that ſhall be taken for the caſe of the alliance, may form an inexhauſtible fountain of complaints, diſputes, and contentions. Treaties of defenſive alliance, which are ſo advantagious to nations, would become uſeleſs, becauſe their force would be eaſily eluded.

In following the uſual method of treating, the public tranquillity is ſecured. A prince who knows that the beginning hoſtilities will draw upon him the forces of the allies of his enemy, will not be ſo apt to come to an open rupture. He curbs his paſſions; tries all amicable ways, and forgets nothing to ſhow the juſtice of his own, and the injuſtice of his adverſary's cauſe. Any cuſtom proper to enlarge the empire of reaſon and good-faith among men, ought to be readily adopted, though in certain caſes it may be liable to ſome inconveniencies.

Formerly they were very careful to covenant in defenſive alliances that the promiſed aid ſhould not be given till two, three, or even four months after its being demanded; and this interval was to be implied in reconciling the contending parties. Our modern plenipotentiaries have neglected theſe important clauſes; there is ſcarce any mention of the interpoſition of good offices and mediation, which muſt be prejudicial to the tranquillity of Europe.

EN-

ENGLAND, DENMARK.

'There ſhall be perpetual alliance and friendſhip between 'the kings of England and Denmark, and each king pro- 'miſes not to ſupply the enemies of the other with military 'ſtores, &c. If the king of Denmark's dominions are inva- 'ded, the king of England will aſſiſt him with all his forces.'

In this treaty of Weſtminſter 1669, between England and Denmark, it is not ſaid that Denmark ſhall aſſiſt England in caſe of an invaſion.

DENMARK, UNITED-PROVINCES.

'If any power attacks the dominions of his Daniſh ma- Art. 1, 2. 'jeſty in Europe, the United-Provinces ſhall ſend him, at 'their expence, and within two months after demand, ſuch 'ſuccours as ſhall be judged neceſſary for his defence. If 'the firſt aid be not ſufficient, the United-Provinces ſhall 'act with all their forces and declare war againſt the aggreſ- 'ſor, without requiring any thing of the king of Denmark 'for the charge of the war.

'If the States-general are in the ſame caſe, the king of Art. 3. 'Denmark ſhall ſend them, within two months after de- 'mand, an aid of forty ſhips of war, and ten thouſand land- 'forces. The United-Provinces ſhall pay a ſubſidy of '600,000 rixdollers for equipping and maintaining the ſhips; '100,000 rixdollars for the levy of the land forces, and '40,245 rixdollars every month for their ſubſiſtence. If 'they ſhall want any farther aſſiſtance, the king of Denmark 'ſhall provide twenty thouſand land forces, and the States- 'general ſhall double their ſubſidies. In fine, the king of 'Denmark ſhall be obliged, if circumſtances require it, to 'act with all his forces and declare war.

'The operations of the war ſhall be concerted by the ge- Art. 5. 'nerals of both parties, and neither of them ſhall be free to 'enter into treaty, to conclude truce or peace without the 'conſent of the other.'

This treaty of alliance between Chriſtian V. and the United-Provinces, was concluded at Copenhagen the 20th of May 1673 (f).

FRANCE

(f) This treaty was made ſtipulated in the 12th article, that when the United-Provinces were, his Daniſh majeſty ſhould not invaded by France, and it was interpoſe in that war. In 1674

FRANCE, SWEDEN

Art. 20. 'There ſhall be a perpetual (g) alliance between the kings of France and Sweden, for the maintenance of the treaties of Weſtphalia. If one of the parties is attacked contrary to the regulations of that peace, the other ſhall aſſiſt with all her forces.'

This treaty of Verſailles the 25th of April 1675 between Lewis XIV. and Charles XI. is but a ſequel of that of 1672, concluded, in appearance, for the maintenance of the treaties of Weſtphalia, but in reality the king of France had ſollicited it only to engage the king of Sweden to renounce his alliance with the king of Spain, for whoſe ſervice his Swediſh majeſty was to hold in readineſs an army, in caſe France attacked any of the Spaniſh dominions. Beſides that, the chief aim of the king of France was to draw the king of Sweden to his ſide in the war he was then meditating to chaſtize the Hollanders for being unwilling to have him for a neighbour. And therefore to the defenſive treaty of 1672, were added thirteen ſeparate articles, which run upon the meaſures to be taken againſt the United-Provinces. This treaty of Verſailles was concluded by meſſieurs Pompone and Spar, to confirm the ſeparate articles of that of 1672, in order to ingage the king of Sweden to ſend an army into the empire againſt the princes who had declared in favour of the Dutch, particularly againſt the elector of Brandenburg. The Swediſh arms were unſucceſsful, and Charles XI. loſt all his German dominions; but Lewis XIV. was ſo generous to ſacrifice the greateſt part of his conqueſts, to recover, for his ally, at Nimeguen, the provinces which his ſubjects could not defend. Theſe treaties of 1672 and 1675 are the foundation of the friendſhip and good-intelligence that has ſince ſubſiſted between the two crowns.

the king of Denmark made another defenſive alliance with the emperor Leopold, the king of Spain, and the States-general, which took the place of this, and which, purſuant to a ſeparate article, was to laſt 14 years. It is in the ſame ſtyle with this of 1673.

(g) It is perpetual only in what concerns the peace of Weſtphalia, in the other articles, not.

POLAND. HOUSE OF AUSTRIA.

'Of what nature ſoever may be the differences that ſhall Art. 1, 2.
'ariſe between the houſe of Auſtria and the republic of Po- Art. VII.
'land, they ſhall always be amicably decided. Each of the
'parties ſhall be allowed to raiſe levies of men in the other's
'dominions, upon previous notice, if the other is not in
'war.'

This treaty was made at Vienna the 24th of April 1677, between Leopold as head of the houſe of Auſtria, and John III, king of Poland.

The grand ſeignor making preparations which threatened Chriſtendom, the ſame princes ſigned at Warſaw, the 31ſt of March 1683, a treaty of perpetual alliance, offenſive and defenſive, againſt the Turk. They deſired the guarantee of the Holy See, and promiſed to ſwear, by the cardinals Pio and Barberini, before the pope, the full obſervance of all the articles therein agreed on.

'The emperor Leopold renounces whatever is due to
'him from the king of Poland for the money lent to Charles-
'Guſtavus during the war. In a word, the two parties an-
'nul all the pretenſions which they may have upon one
'another, by virtue of any former compact or agreement.'

HOUSE OF AUSTRIA. STATES OF TRANSYLVANIA.

The emperor Leopold, and the ſtates of the principality of Tranſylvania, concluded at Vienna, the 28th of June 1686, a treaty which deſerves notice, and which, four months after, on the 27th of October the ſame year, was confirmed by another act paſſed in the imperial camp near Balasfalva. In theſe two treaties are the following articles:

'Leopold ingages to defend Tranſylvania and the territo-
'ries of Hungary thereunto annexed, whenever he ſhall be
'required. The prince of Tranſylvania ſhall command in
'chief the ſuccours that ſhall be ſent from the court of Vi-
'enna.

'The emperor declares that he pretends to no right to
'Tranſylvania nor its territories, that he will never take the
'titles or marks of honour, or concern himſelf in any man-
'ner with its civil or eccleſiaſtical government.

'The ſtates of Tranſylvania ſhall enjoy the liberty of
'electing a ſovereign, according to their ancient cuſtoms

'and

'and privileges. Their prince ſhall at [illegible] make
'alliances and form leagues, provided they [illegible]
'the treaty of Vienna, which is to be [illegible]
'The princes of Tranſylvania ſhall [illegible]
'mies of the houſe of Auſtria, nor ſhall the [illegible]
'give an aſylum to the enemies of [illegible]
'Tranſylvania.'

CHAP. IV.

The Peace of Nimeguen, with the Treaties relating thereto.

BEFORE we proceed to the treaty of Nimeguen, it will not be improper briefly to take a view of the ſituation of the moſt conſiderable powers from the peace of Munſter in 1648 to the war of 1672, and to ſhow what were their political principles before and after that famous war.

Never was France more powerful than from the treaty of Weſtphalia to the war with Holland. Her forces were ſuperior to thoſe of any of her neighbours, and circumſtances did not ſuffer them to unite againſt her. By the reſtoration of the ancient laws of the empire, Ferdinand III. had been deprived of great part of his authority. The diets were free; the German princes had thrown off the yoke; and conceiving a balance of power between the head and members of the Germanic body, was the baſis of their liberty, they contracted alliances with the neighbouring princes, who could aſſiſt them with forces, and make them reſpected by the emperor.

The liberty of the empire was a rampart for France, and Ferdinand, bound by all the treaties which preceded the concluſion of the league of the Rhine, durſt not give any aſſiſtance to the Spaniard in his war with France, after the peace of Weſtphalia. Every thing declared the weakneſs of the Spaniſh monarch; he had been obliged to acknowledge the independency of the United-Provinces; his fruitleſs attempts to ſubdue Portugal, plainly ſhowed he would, in the end, be forced to relinquiſh that kingdom to the houſe of Bragança, and with it loſe all its poſſeſſions in the Indies and America. Whether the ancient reputation of Spain prevented its decay from being ſeen, or whether there remained in mens minds the impreſſion of the dangers wherewith the

houſe

houſe of Auſtria had threatened their neighbours, Philip IV. found no ally, and Europe beheld, without emotion, the advantages of the French.

The United-Provinces, ſince ſo juſtly alarmed about the fate of the Netherlands, thought then of little elſe but improving the advantages of peace, by enlarging their commerce. The magiſtrates had not yet reſolved on their courſe with reſpect to the neighbouring powers. Some adhered to the famous treaty of Paris, the 8th of February 1635, which left them all the Low-Countries, except Flanders, Artois, Luxemburg, Namur, and Hainault, which France was to enjoy; and they beheld with concern the Spaniards ſo near them. Others were ſatisfied with condemning the ſeparate peace at Munſter, and believed that, after their deſerting of France, there was no protection to be expected from thence. Theſe dreaded the French, and were for entering into leagues and confederacies againſt them. The others exhorted the United-Provinces to keep within themſelves and defend their poſſeſſions. Amidſt this diverſity of ſentiments ſo uſual to common-wealths and new ſtates, it was next to impoſſible that a deciſive reſolution ſhould be taken.

On the other hand the Engliſh, who ſince the reign of queen Elizabeth had not concerned themſelves with the affairs of Europe, began, it is true, to look abroad after the death of Charles I, but in ſuch a manner, as gave the French no uneaſineſs. Cromwell, who in ſome meaſure effaced, by the prudence of his government, the infamy of his uſurpation, knew not the political maxims afterwards eſpouſed by king William and his ſucceſſors. He did not care which was the moſt powerful, France or the houſe of Auſtria. He only ſought to enrich the nation he had enſlaved. He looked with an ill eye upon the Dutch, whoſe trade was then very flouriſhing; and, far from aſſiſting the Spaniards, he could not but take advantage of their diſtreſs to extend the commerce of England. Purſuant to theſe views, Cromwell made it his buſineſs to diſturb the States-general, and, without loving France, declared againſt the Spaniards, and took from them Jamaica and Dunkirk.

It was ſo much the more difficult that any other leagues ſhould be formed, as the war, kindled in the north in 1655, divided the attention of all Europe. The treaties of Oliva and Copenhagen, by which it was ended, gained Sweden the ſame reputation as France acquired after the peace of the Pyrenees. Ruſſia acted no part. Poland, which may be com-

compared to a giant in chains, was [illegible] ruled by a Sobieſki, who, in ſpite of [illegible] faults in the adminiſtration, could perform great things. The Danes, in a ſtate of humiliation, had a quick ſenſe of their loſſes; they had roused the old antipathy to Sweden, but without reſources at home, and without alliance abroad, they were forced to conceal their reſentment. In a word, the emperor having tried in vain to avenge himſelf of the treaty of Oliva, felt the vexation and ſhame to ſee all its regulations confirmed by the treaty of Oliva.

The king of France reſolved to avail himſelf of the happy circumſtances his kingdom was in, to revenge the injuries done him by the Spaniards, and the evils cauſed by their intrigues ever ſince the reign of Charles V. Lewis XIV. carried his arms into the Netherlands in 1667, on pretence of aſſerting the rights of his queen after the death of Philip IV. The ſucceſs of his arms was rapid, Charleroi, Bergues, Furnes, Aeth, Tournay, Douai, fort Scarpe, Oudenard, and Liſle, ſurrendered without reſiſtance. The United-Provinces were in the utmoſt conſternation, and the Triple Alliance between England, Sweden, and the Dutch, was ſigned the 28th of January 1668. Theſe three powers mutually promiſed to unite their forces to compel France to make peace.

Lewis was diſcouraged by this riſing ſtorm, and a peace was ſoon concluded at Aix-la-Chapelle. But it is a queſtion worthy the diſcuſſion of the politicians, whether Lewis, in ſpite of the Triple League, ſhould not have continued the war. He would probably have conquered the Netherlands before the allies could take the field. The United-Provinces were in no better a ſituation than they were a few years after in 1672. The Dutch, as Sir William Temple obſerves, had totally neglected the military part of their government, nay, had degraded it, in breaking, by a miſtaken policy, the veteran troops to whom they were indebted for their fortune. Their land-forces were then in a ſtate ſo much the worſe, as during their war with England, which was juſt concluded at Breda, they had given their whole attention to their fleets.

England, it is true, was a more formidable enemy; but Crowwell no longer ruled there. Charles II. had mounted the throne of his anceſtors; with many valuable qualities, this prince had none of a great king. Fond of pleaſure and quiet, he was induced to ſign the Triple alliance, from a perſuaſion that it would give law to France; and probably he

he did not conſent to it, but from the ſame motive of indolence which would have hindered him from performing the conditions, if it had not produced the deſired effect. King Charles was neither a good friend nor a dangerous enemy; and conſequently was hardly worth courting. He was always ſure to be gained by means of ſome intriguing miniſter or greedy miſtreſs, or ambitious favourite. Beſides, the Engliſh and Dutch were but juſt reconciled; and inſtead of thinking themſelves mutually neceſſary, they ſtill entertained againſt one another the hatred of rivals. Their commerce was alike flouriſhing; the Engliſh would not ſuffer equals in the empire of the ſea, and the Dutch refuſed to acknowledge a ſuperior.

As to the Swedes, it is ſtill more difficult to think that their alliance with England and Holland was ſincere. What intereſt could they have in arming againſt France? They are too diſtant to fear her grandeur, and her friendſhip is too advantagious for them to think of weakening her power. After all, it was eaſy to render abortive their ill intentions, by ſtirring up Denmark and the princes of Lower Saxony againſt them; for though the French and Swedes ſhared the honour of being protectors of the Germanic body, they were looked upon in the empire in a very different light. The French, who had always behaved with moderation during the war, and in the courſe of the Weſtphalian negotiations, by which it was ended, inſpired the princes of the Rhine with no ſuſpicions. Their hatred of the Spaniards, their views of increaſing their dominions turned towards the Netherlands, policy which prompted them not to multiply enemies, all warranted their friendſhip to them. The empire, and eſpecially the princes of the Lower Saxony, thought otherwiſe of Sweden. It was remembered that the Swedes had treated Germany like a conquered province. Having taken from Poland and Denmark what ſuited their convenience, it was only by aggrandizing themſelves on the ſide of Pomerania, that they could eſtabliſh their credit in the north.

In fine, the league which Lewis XIV. made ſome years after with Charles II. to declare war againſt Holland, and the eaſe wherewith he ingaged the Swedes to make a diverſion in the dominions of Brandenburg, prove that the bands of the Triple Alliance were not ſo hard to be untied. Though the three allies had guarantied to the king of Spain the treaty of Aix-la-Chapelle, there was no ſincere union between them. In ſpite of the treaty of Breda, the Dutch

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ſtill affected to diſpute the ſovereignty of th[illegible] Engliſh, and, on account of their trade, were [illegible] to the Danes, maſters of the Sound, than to [illegible]

The war of 1667, and the peace of Aix-l[illegible] troduced no change in the political ſituation [illegible] ſome ſtates entered into alliances, they were [illegible] not proceeding from neceſſity. The whole [illegible] ged, when the French, in conjunction with [illegible] land, the elector of Cologn and biſhop of M[illegible] war againſt the United-Provinces. The rapid progreſs of Lewis XIV. during the campaign of 1672, raiſed a dread of the entire deſtruction of Holland. The Engliſh thought themſelves ſtruck with the blow that threatened the Dutch, and, ceaſing to be jealous of their commerce, became the protectors of it, in order to hinder its falling into the hands of the French. The nation was unanimous, murmurings, complaints heard all over England: and Charles II, who was not yet come to the point of venturing to lay aſide parliaments, and govern without them, diſpatched the duke of Buckingham and the earl of Arlington to the Hague to encourage the States-general, who were ready to ſubmit to the conqueror. This is perhaps the firſt time that a prince was ſeen to make an excuſe to his enemies for the progreſs of his arms, and to exhort them to a defence; and none but a king of England, led by his own private intereſt, and obliged to comply with the deſires of his nation, can be guilty of ſuch contrariety in his conduct (h).

During theſe tranſactions, the famous John de Wit was, with his brother, torn in pieces by the populace, who conſidered them as the authors of all the calamities with which the republic was threatened. John de Wit was one of the greateſt politicians of his time, and had been penſioner of Holland eighteen years. He was always averſe to the office of ſtadtholder, and a great oppoſer of the houſe of Orange. His fall therefore was the riſe of the young prince of Orange; all eyes were turned upon him; the merit of his anceſtors, and John de Wit's efforts to keep him at a diſtance from affairs, ſpoke in his behalf. In a word, he was appointed without oppoſition

(h) The king was the ſole cauſe of it, becauſe he ſuffered himſelf to be led by the ducheſs of Portſmouth his miſtreſs, who was ſent to him by Lewis, and who had the ſame influence over him as madam Monteſpan had over the French monarch. But Charles II. ſhould have known the difference between the two governments, and that a king of England ought not and cannot have other intereſt than that of the nation.

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admiral and captain general of Holland. This prince, who was ſoon to be the ſoul of Europe, and to manage it as he pleaſed, began to employ his rare talents in rendering himſelf maſter of the United-Provinces. To inſpire them with his courage, it ſufficed to repreſent England as ready to abandon the alliance of France, whilſt the emperor and the king of Spain offered their aid and protection to the States-general.

The peril of the United-Provinces threw them into a ſtrict alliance with the branches of the houſe of Auſtria. The ambition of France began now to be talked of as more dangerous to Europe than that of the ſucceſſion of Charles V. Theſe inſinuations, which have ſince proved too true, were ſpread by the prince of Orange and his friends, and ſupported by the courts of Vienna and Madrid. As France had humbled them, by repreſenting them as aiming at univerſal monarchy, they hoped by the ſame method to regain their former ſuperiority.

The peace of Nimeguen is generally conſidered as the period of the aſcendant France has aſſumed over her neighbours; but ſome, on the contrary, think that ſhe began then to be leſs powerful. Leagues were formed againſt her, and her acquiſitions diminiſhed her ſtrength, as it increaſed her enemies, and bred ſuſpicions and fears in her allies.

It ſeems that the miniſtry of France ſhould, out of policy, have tempered the luſtre of a glory which raiſed jealouſies; ſhould have laboured to remove the fears of her neighbours; renewed her alliances, and countermined the politicks of the prince of Orange, who dreading her ambition, was exciting all Europe againſt her. Inſtead of theſe ſalutary meaſures, re-unions were thought of; and it muſt be owned, nothing could be more favourable to the deſigns of the prince of Orange and the houſe of Auſtria, than the well-known decrees of the parliament of Beſançon and the royal chambers of Metz and Briſac. The capitulation of Straſburg gave the finiſhing ſtroke, and put the empire in arms againſt France. The German princes ſaw themſelves expoſed to the attempts of the French, when they thought them wholly employed againſt the Spaniards and Dutch. They believed themſelves injured, and the preſent danger made them forget the peril they had been in from the emperors of the houſe of Auſtria. The ſyſtem eſtabliſhed in the empire by the treaties of Weſtphalia was deſtroyed. The princes recurred to the protection of Leopold; their fear gave that emperor more power than Ferdinand III. had loſt; and from that time the empire was enemy of France.

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Theſe ſentiments appeared by the league ſigned at Auſburg the 9th of July 1686, between the emperor, the king of Spain, as duke of Burgundy, the king of Sweden, for the fiefs he poſſeſſed in the empire, the elector of Bavaria, the circles of Bavaria and Franconia, and the duke of Saxony; and to which the princes and ſtates of the Upper Rhine and Weſterwald, the duke of Holſtein-Gottorp, and the elector palatine, acceeded ſoon after.

The ſole point now was to ſet bounds to the power of France; England, her old enemy, thought the ſame; but James II. ruled there, and his perſonal intereſt attached him to France. He had no other ally to depend on to promote his deſigns. He would very probably have been ſupported, if he had not protected with more warmth than prudence the religion he profeſſed. His zeal carried him too far, and he ſunk in the attempt. The prince of Orange landed in England in 1688, and upon king James's abdication, was crowned king by the name of William III.

This prince brought to London the ſame ſentiments as he had at the Hague. He had long ſince publickly declared, that the ſafety of his country was his only care, and that the liberty of his allies was in danger, if the French monarchy was not firſt reduced, and afterwards kept within the bounds preſcribed by the Pyrenean treaty. Theſe declarations gave birth to the ſyſtem of a Ballance of Power between the houſes of Auſtria and Bourbon; and the foundations of it were laid in the treaty concluded at Vienna the 12th of May 1689, between the emperor and the States-general. This alliance, called afterwards the Grand Alliance, becauſe all the enemies of France came into it, ran, that after the concluſion of a general peace, the parties ſhould remain united for ever. They promiſed to aid one another with all their forces by ſea and land, in caſe either was attacked by the common enemy; and engaged to liſten to no accommodation till intire ſatisfaction was received. It was ſtipulated, that if Charles II. king of Spain died without iſſue, endeavours ſhould be uſed to place the emperor or his heirs on that throne, and prevent the ſucceſſion from coming to the Dauphin. The allies alſo agreed to engage the electors to give the empire to Joſeph king of Hungary, the emperor's ſon. Theſe are the principles which were conſtantly purſued in Europe till the treaty of Utrecht, when the ſcene was entirely changed, and very different principles were eſpouſed.

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There is no occaſion to relate the events of the war of 1672. It ſuffices to remark, that it was ended by fourteen treaties. England firſt agreed with the United Provinces the 19th of February, 1674. This peace, concluded at London, was owing to the diſcontents of the Engliſh; to their hatred of France; to their fear of loſing their trade in the Mediterranean, in caſe of a Spaniſh war; to the weakneſs of Charles II. to his deſire of money which he laviſhed away; and to the liberality of the United Provinces. The biſhop of Munſter made his peace the 22d of April, 1674; and the elector of Cologne the 11th of May the ſame year.

The aſſemblies for a general peace did not begin at Nimeguen till the middle of the year 1676; and it was viſible by the firſt conferences, that the negotiation would go on very ſlowly. By the bold demands of the Spaniards, one would have thought they had been in condition to give law to France. Perſuaded as they were, that it was the intereſt of England and Holland not to ſuffer the French to enlarge their power in the Netherlands, they even required the reſtitution of the places they had reſigned by the treaty of Aix-la-Chapelle. The emperor's miniſters were more reaſonable; they made no demands, becauſe his arms had not been ſucceſsful; but they ſought to keep the allies united, and to prolong the war. The Swedes ſincerely wiſhed for peace; nay, would have conſented to purchaſe it, if Denmark and Brandenburg had been willing to ſell it, on any other condition but the taking from them their dominions in Germany.

Lewis XIV. was too wiſe to hope to eſcape with ſucceſs out of the labyrinth into which the reconciliation of ſo many oppoſite intereſts had thrown him. Whilſt he carried on the war with vigour, he projected to deſtroy the league of his enemies, by corrupting ſome of their allies. He caſt his eyes on the United Provinces. By a ſeries of events known to all the world, from principals the Dutch were become but auxiliaries in the war. The French armies had abandoned the center of their provinces, to march into the Spaniſh Netherlands. The ſtates-general had ſeen themſelves too near a total deſtruction, to be much concerned at the progreſs of the French in the Netherlands. They could propoſe to themſelves nothing more than the reſtitution of Namur, which Lewis could not keep. In a word, ingratitude to their allies, in leaving them, ſhould not have appeared to them ſo hateful as a war, which both required

immenſe ſums, and drained the ſource of their riches by the ruin of their trade.

The French plenipotentiaries opened their negotiation with a wrong ſtep; as if they knew not how much the intereſts of the prince of Orange differed from thoſe of the republic, or had a compenſation ready to offer him for what he ſhould loſe by the peace, they attempted to gain him. Marſhal d'Eſtrades was quickly ſenſible of his error; and, perceiving that all the miniſters at Nimeguen were devoted to the party of the ſtadtholder, he entered into a ſecret correſpondence with ſome of the principal members of the ſtates-general. Nothing was tranſacted in the congreſs but trifling formalities; all the affairs of France and Holland were managed at the Hague; but the negotiation proceeded very ſlowly, becauſe it was ſubordinate to the operations of London, where it was not known what reſolution to take; and becauſe the Dutch, courageous or fearful, according as they hoped or deſpaired to induce England to declare againſt France, remained in a perpetual ſtate of uncertainty.

Matters were otherwiſe managed at London. The moſt refined court arts and intrigues were uſed by the French to keep Charles II. in a ſtate of inaction, and by their enemies to draw him to their ſide. The United Provinces were at length weary of hoping; and though Charles II. had entered into the ſtrongeſt engagements with them, the 29th of July, 1678, yet a fortnight after they ſigned a ſeparate peace with France. This conduct ſeemed ſtrange, but was wiſe. Could the ſtates-general confide much in the treaties of an irreſolute, indolent prince, who was managed by his miniſters according to their particular views? Beſides, it was well known, that the affairs of England were then at a criſis. The animoſity of the ſeveral parties was at the higheſt degree; and if a foreign war was not capable to allay their heats, and ſtifle the ſeeds of diſcord, what advantages could the ſtates-general expect from the alliance of Charles II?

The Spaniards made their peace with France the 17th of September, 1678. They did not treat with the Swedes. Theſe two powers, who had no affairs to decide, only publiſhed a declaration, by which, agreeing that they were tacitly included in the treaty of the 17th, they reſtored liberty of commerce between their reſpective ſubjects, and forbad them to commit any hoſtilities at ſea againſt one another.

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The emperor, unable to continue the war, agreed with France and Sweden the 5th of February, 1679. The engaging the king of Denmark and the elector of Brandenburg to lay down their arms, was no longer in queſtion. Thoſe princes, elated at their ſucceſs over the Swedes, refuſed to make the treaties of Oſnabrug and Copenhagen the foundation of their agreement. They were however forced to conſent to it. The emperor had promiſed his good offices to induce them to a peace; and, in caſe of refuſal on their part, to give a free paſſage to the troops of France to penetrate into their dominions (a). On the other hand, the dukes of Brunſwic-Lunenburg, Zell, and Wolfenbuttle, had ſigned at Zell their accommodation, the ſame day the emperor had ſigned his at Nimeguen; and the biſhop of Munſter, who, after having left the alliance of France, had leagued with her enemies, agreed by two treaties of the 29th of March, to recall his troops who had joined the enemies of Sweden.

Frederic-William, elector of Brandenburg, had no other reſource, but to haſten his agreement, in order to obtain the more advantageous terms. It was ſigned at St. Germain-en Laye, the 29th of June, 1679; and this treaty was afterwards approved and confirmed by all the contracting parties at the congreſs of Ryſwic. Chriſtian V. king of Denmark, ſaw himſelf then forced to ſeek peace. His miniſters concluded it at Fontainebleau, the 2d of September, 1679; and at London the 20th of the ſame month.

FRANCE. LORRAINE.

'The articles of the treaties of the Pyranees and Aix-la-Chapelle, from which the treaty of Nimeguen between France and Spain ſhall not derogate, ſhall remain in full force.' T. Nim. Fr. Sp. 26.

'France and the emperor agree on the ſame condition, with reſpect to the treaty of Munſter.' Fr. Emp. 1.

'Lewis XIV. and his ſucceſſors ſhall remain poſſeſſed of Burgundy, commonly called Franche-Comté, including Beſançon.' Fr. Sp. 11.

(a) See the 26th article of the treaty of Nimeguen between the emperor and France; and the 5th between the emperor and Sweden.

By an act passed at Vienna, the 5th of May, 1651, the emperor and empire had transferred to Philip IV. of Spain all the imperial rights to this city.

T. Nim. Fr. Sp. 5. 11. 12. 'Spain resigns to France the cities and places of Valenciennes, Bouchain, Cambray, Aire, St. Omer, Ypres, Warwich, Warneton, Poperinghen, Bailleul, Cassel, Bavay, Maubeuge, with their bailiwics, dependencies, &c. The kings of France shall enjoy them in full sovereignty; and, in yielding Aeth to Spain, they shall retain la Verge de Menin and Condé, which belong to its castellany.

Ibid. 13. 'The king of Spain promises to engage the bishop and chapter of Liege to resign Dinant to the French, and to obtain the consent of the emperor and empire to confirm this cession. If the negotiation does not succeed, Charlemont shall be given to France.'

The cession of Dinant did not take place, and Lewis XIV. had possession of Charlemont.

T. Nim. Fr. Emp. 5. 'The emperor gives to France the city of Friburg, with the villages of Lehen, Metzhausen, and Kirchzart, in full sovereignty, and with liberty to send thither garrisons, and all warlike stores and provisions, without molestation, or paying any toll in passing through the territories of the empire.

Ibid. 13. 14. 15. 'The city of Nantz, with its jurisdiction, shall be united to the crown of France. Four roads shall be made from that city to St. Disier, to Alsatia, to Metz, and to Franche-Comté. They shall be half a league wide, and shall belong in full sovereignty to the king of France.

Ibid. 16. 17. 'France shall possess in full sovereignty the city and provostship of Longwic. In exchange, France shall give the city of Toul, with its jurisdiction, to the duke of Lorraine, who shall enjoy there all the rights belonging to the crown of France.'

The Imperial and French ministers agreed by separate writings, which are joined to the treaty they had signed, that, if the duke of Lorraine refuse to subscribe to the articles that were agreed for him, he should be free to demand other terms, and France to grant them; and the emperor should not deem these alterations a breach of the present treaty. The ministers of Vienna promised likewise, that their master should not take up arms in prosecution of the duke of Lorraine's pretensions, or under pretext of ending his differences. The same clause had been formerly inserted in the treaties of Munster and the Pyrenees. So far was the duke of Lorraine from ratifying the terms that were stipulated for him, that

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his miniſter proteſted againſt them, the 21ſt of April, 1679, and the duke did not get again his dominions.

HOUSE OF AUSTRIA.

'France ſhall reſign to Spain Charleroy, Binch, Aeth, Oudenard, and Courtray, with their bailiwics, dependencies, &c.' T. Nim. Fr. Sp. 4.

Theſe places had been given to France by the treaty of Aix-la-Chapelle.

'It is agreed, that the eaſtern and weſtern ſluices of Newport, and the forts built there, do not belong to the caſtellany of Furnes, and ſhall for the future be inſeparably joined to Newport.' Ibid. 10.

'The king of France reſigns to the emperor all the rights to Philipſburg given him by the treaty of Munſter.' Ibid. 5.

ENGLAND. UNITED PROVINCES.

'The exerciſe of the catholic religion ſhall be reſtored and maintained in the city of Maeſtricht, and its dependencies, according to the capitulation of this place in 1632.' T. Nim. Fr. Holl. 9.

'The treaty of Breda, and all the former alliances between England and the United Provinces, ſhall be maintained in their full force.' T. Lond. 1674, 7.

'In all the ſeas between Cape Finiſterre and Vanſtaden in Norway, the ſhips of war or merchantmen of the United Provinces, whether alone or in ſquadrons, ſhall ſtrike the flag, and lower the top-ſail, to every ſhip bearing the Engliſh colours, called the Jack.' Ibid. 4.

The following articles are taken from the two treaties of Weſtminſter, between the Engliſh and Dutch; the firſt ſigned the 3d of March, 1678; and the ſecond the 24th of Auguſt, 1689.

'There ſhall be perpetual friendſhip, both by ſea and land, as well in as out of Europe, between England and Holland. This confederacy ſhall have for its principal object the maintenance of the parties in the poſſeſſion of the rights and liberties they enjoy in Europe only, and which they have acquired by former conventions, or ſhall acquire hereafter.' T. Weſt. 1678, 1. Ibid. 1689, 1. 3.

The ſecond treaty of Weſtminſter is in ſome meaſure only a copy of the firſt, as are alſo the treaties of peace and commerce ſigned at Breda and London in 1674.

Ibid 3. 4. 'The parties ſhall mutually guaranty the poſſeſſion of all 'countries, cities, places, ports, &c. they hold in Europe, 'and the full and exact obſervance of all the treaties they 'have made or ſhall make in concert with any other power 'whatſoever.

T. Weſt. 1678, 4. 5. Sep. Art. 1. 2. 3. 'If either is diſturbed in the poſſeſſion of their countries, 'lands, rights, privileges, and liberties of trade and navi-'gation, the other ſhall firſt interpoſe his good offices; but, 'if an open rapture enſues, ſhall forthwith ſend aſſiſtance. 'In this caſe England ſhall furniſh 10,000 men to Holland, 'and the Dutch 6000 men and 20 ſhips of war to England. 'Theſe ſuccours ſhall be maintained at the charge of the 'party that furniſhes them, and ſhall be entirely ſubject to 'the orders of the party they are ſent to. If the ſituation 'of affairs require a larger aid, the parties ſhall ſettle it. 'The party injured in his rights ſhall require his ally to 'declare himſelf openly within two months after informa-'tion, and ſhall be obliged to act with all his forces by ſea 'and land.

T. Weſt. 1678, 9. 10. 11. 'In this laſt caſe, neither of the parties ſhall make a 'ſeparate peace with the common enemy, nor even begin, 'unknown to the other, any negotiation of truce or ſuſ-'penſion of arms.

'Either of the allies which ſhall be attacked, may make 'levies of ſoldiers within the territories of the other, pro-'vided the ſame be done according to ſuch regulations as 'the parties ſhall agree upon.'

It is ſtrange that negotiators of credit, and who cannot be charged with being ignorant of their buſineſs, ſhould clog treaties with ſuch uſeleſs conditions. It would have been better barely to ſay, that the Engliſh and the Dutch may treat in time of war for permiſſion to raiſe levies in each other's dominions? Who can doubt their having this liberty? It was not worth while to agree upon it. Every article of a treaty ſhould confer or take away a right; form an engagement: decide an equivocal queſtion: or name arbiters to determine it within a certain time. Perſons a little verſed in the knowledge of negotiations will perceive this to be no needleſs remark. But to ſay ſomething more: in the treaties of alliance, ſuch as the foregoing, and thoſe by which two powers promiſe mutual aſſiſtance, the expreſſions cannot be too preciſe, or the nature of the engagements too deciſively

fixed. Whatever is vague and indeterminate may leave room for conteſts and difficulties, and conſequently render the alliance uſeleſs when the engagements come to be performed. How often has it happened that two allies have waſted, in fruitleſs diſputes, the time that ſhould have been employed in action? Of this hiſtories afford us numberleſs inſtances.

SWEDEN. HOUSE OF BRANDENBURG. HOUSE OF BRUNSWIC.

'The treaties of Weſtphalia ſhall be the baſis of the accommodation between Sweden and the emperor, the electors of Brandenburg, the Houſe of Brunſwic, and the biſhops of Munſter and Paderborn. All the articles that ſhall not be derogated from by this pacification ſhall remain in force.' See *T. Nim. Emp. Swed. Art.* 3. *T. Zell. Art.* 4. *T. Nim. Swed. Mun. Art.* 3. *T. St. Germain-en-Laye, Art.* 4. T. Nim. Emp. Sw. 3.

'The treaties of Roſchild, Copenhagen, and Weſtphalia, ſhall be executed in all their articles; and alſo, the acts that are annexed to, and make part of them.' *T. Fontainebleau, Art.* 4., *T. Lunden, Art.* 4.

'Except Dam, Golnau, and their dependencies, Sweden gives, to the elector of Brandenburg, all his poſſeſſions on the right ſide of the Oder. However Golnau and its territory ſhall be left as a pledge in the hands of the elector, who ſhall be obliged to reſtore them upon the payment of 50 thouſand crowns. The elector, derogating from the treaty of Stetin in 1653, renounces his ſhare of the rights of toll, which Brandenburg levies in the ports and harbours of the further Pomerania. T. St. Ger. 7. 8. 9.

'Sweden ſhall continue to enjoy all the rights of ſovereignty upon the river Oder, and the elector of Brandenburg ſhall not erect any fortreſs, or fortify any place within the territories that are reſigned to him. Ibid. 12.

'The houſe of Brunſwic to whom France is bound to pay 300 thouſand crowns, ſhall be put in poſſeſſion of the provoſtſhip of Dorwern, and the portion of land between the Weſer, the Aller, and his antient demeans: but no fortreſs ſhall be built there, nor any new tolls eſtabliſhed. Sweden reſigns alſo to the ſaid houſe the bailiwic of Tedinghauſen, with all its dependencies, and guaranties the peaceable poſſeſſion of all theſe new acquiſitions.' T. Zell, Sep. Art. 1. 3.

ARCHBISHOPRIC OF COLOGNE. BISHOPRIC OF MUNSTER.

T. Col. 1674, 5. 'The United Provinces renounce all pretenſions to Rhinberg and its territory, which ſhall be reſtored to the elector of Cologne, biſhop of Liege.

T. Col. 1674, 4. 'In reſtoring the city and fortreſs of Weerth to count Waldeck, the biſhop of Munſter reſerves the aſſerting, in an amicable way, his rights to that place.

T. Nim. Fr. Mun. 3. Sw. Mun. 6. 'France ſhall pay him 100 thouſand crowns, and the king of Sweden ſhall leave him in poſſeſſion of the bailiwic of Wildhauſen, till he pays him two thouſand rixdollars.'

HOUSE OF SAVOY.

Art. 31. The conditions ſtipulated in the treaty of Munſter, concerning the duke of Savoy, are ſpecified and renewed in the treaty of Nimeguen between France and the emperor.

HOUSE OF BOUILLON.

T. Nim. Fr. Emp. 28. 'The duke of Bouillon ſhall remain in poſſeſſion of the caſtle and that part of the dutchy of Bouillon he now holds. His differences on this ſubject with the biſhop of Liege ſhall be amicably decided.'

The biſhop and chapter of Liege proteſted the 28th of February, 1679, againſt this article. They renewed their complaints and proteſtations the 31ſt of October, 1697, againſt the article of the peace of Ryſwic which confirms the treaty of Nimeguen.

DENMARK. HOUSE OF HOLSTEIN-GOTTORP.

T. Lund. Art. 10. 'The king of Denmark having pretenſions and a mortgage upon Cruyſand, it is agreed that the king of Sweden ſhall pay at Hamburg the principal and intereſt according to the cuſtom of Germany; and that his Daniſh majeſty ſhall remain in poſſeſſion till full payment. Then he ſhall reſtore Cruyſand to Sweden without any farther pretenſion; and in the mean time the king of Denmark ſhall not build any fort.'

The

'The emperor shall grant his protection to the duke of Sleswic-Holstein-Gottorp, to secure to him the enjoyment of all his rights in the empire. T. Nim. Emp. Sw. 7.

'The duke shall be restored to all possessions, privileges and liberties, he ought to enjoy by the treaties of Roschild and Copenhagen.' T. Lund. 4.

It was necessary to stipulate in the strongest manner in favour of the duke of Holstein-Gottorp. The king of Denmark, declaring in 1675 against Sweden, had seized the greatest part of that prince's demeans, and compelled him in the castle of Rensburg, where he was kept prisoner, to give up, by a treaty, the rights he had acquired at Roschild and Copenhagen. It was very difficult to destroy the seeds of dissension between these two princes, who were always ready to arm against each other; treaties were but a weak fence between them; accordingly the duke of Holstein did not long enjoy in peace the fortune he owed to the protection of Sweden.

The first differences that arose between them after the pacification of Nimeguen were decided the 20th of June, 1689, at Altena, by the mediation and under the guarantee of the emperor Leopold, and the electors of Saxony and Brandenburg. This treaty maintained in full force those of Roschild, Copenhagen, Fontainebleau, and Lunden.

'The king of Denmark renounces the mortgage and rights he pretends to have in the bailiwic of Trittau. Prince George, whom the mediators take upon them to indemnify without any charge to Denmark, renounces also all his pretensions to the isle of Fehmeren, and the bailiwics of Trembsbuttel and Heinhorst.' *T. of Altena, Art.* 2. 3. 5. *and Act of Prince George of Denmark, at Hampton-Court, the 19th of July,* 1689.

If attention be given to what has been said of the strange government of the duchies of Sleswic and Holstein, the sovereignty of which is held in common by the king of Denmark and the duke that bears this name, it will be thought no wonder that the most solemn engagements could not bind them to peace. How clear soever was the treaty of Altena, each party explained it in his own sense, and both took up arms. Charles XII, king of Sweden, came to the assistance of his brother-in-law the duke of Holstein, and invaded Zeland. This hero, at the gates of Copenhagen, forced the Danes to a peace, which was concluded at Travendal the 18th of August, 1700.

Though

Though theſe differences made in ſome meaſure part of the famous war which in this century has altered the ſtate and intereſts of the north, the treaty of Travendal ſeems rather to belong to the pacification of Nimeguen, than to thoſe of Stockholm and Newſtadt, the principles whereof are very different.

T. Lav. 2. 'The treaties of Roſchild, Copenhagen, Fontainebleau, 'Lunden, and Altena, ſhall be punctually executed accord- 'ing to their tenor.

Ibid. 3. 4. 'The kings of Denmark, as dukes-regents of the duchies 'of Sleſwic and Holſtein, ſhall not appropriate to themſelves 'any right, prerogative, or pre-eminence, over the dukes of 'Holſtein-Gottorp as dukes-regents of the ſame duchies. 'There ſhall be a perfect equality between them. All or- 'ders given, all regulations made, without the unanimous 'and mutual conſent of the two regents, ſhall be void and 'of no effect. Each of them, however ſhall exerciſe at his 'pleaſure the rights of ſovereignty in the cities and baili- 'wics which belong to him as his own.

Ibid. 5. 'In caſe Sleſwic and Holſtein are attacked or threatened 'by any foreign power, the two princes ſhall be obliged to 'join their forces. But, under pretence of defending, one 'ſhall not be bound to meddle in affairs which do not con- 'cern him, or wherein the other ſhall be engaged without 'his conſent, or againſt his advice. The duke of Holſtein- 'Gottorp and his ſucceſſors ſhall have the full and free right 'of arms, armaments, fortreſſes, and alliances. He ſhall 'not however be allowed to erect fortreſſes nearer than two 'leagues from thoſe that belong to the king of Denmark, and 'than one league from his territory, and from the roads lead- 'ing from Flemſburg to Renſburg, and from thence to 'Itochoe, Glukſtad, and Hamburg. The king of Denmark 'is bound in the ſame engagements with regard to the duke 'of Holſtein. Neither ſhall keep in the common duchies 'above 6000 ſoldiers without a viſible neceſſity. The duke 'of Holſtein ſhall make uſe of foreign troops, provided he 'hires them of different princes, and not above 3000 of the 'ſame prince.

T. Lav. 11. 'The ſubjects of the duke of Holſtein and the merchan- 'dizes that ſhall be brought from any ſea-port in the baili- 'wic of Tundiren, or ſhall go out of that territory for 'embarkation, ſhall pay no toll at the Cuſtom-houſe at 'Tyſt.

'The

'The agreement made at Glukſtad in 1657, between T. Lav. 8.
'the king of Denmark and the duke of Holſtein, about the
'biſhopric of Lubec, ſhall remain in full force.'

By that agreement the king of Denmark renounces his pretenſion to the alternate poſſeſſion of the biſhopric of Lubec with the houſe of Holſtein.

PROTESTATIONS.

The nuncio Bevilaqua, patriarch of Alexandria, proteſted, in the name of Innocent XI, againſt the treaties of Nimeguen, as founded upon the treaties of Weſtphalia, the 7th of February, 1679. This is the laſt time the court of Rome proteſted in form againſt the peace of Weſtphalia. It would have been expoſing his authority to try to weaken treaties which, in the empire, ſtand upon an equal foot with the golden bull itſelf.

CHAP. V.

PACIFICATION of RYSWIC.

BY the remarks prefixed to the laſt chapter may be ſeen what was the conduct of the French miniſtry after the peace of Nimeguen, and what were the diſpoſitions of their neighbours. Lewis XIV. was acquainted with their motions, their intrigues, and the league at Auſburg, which was the reſult. He knew his enemies were preparing to attack him on every ſide; and knew the neceſſity of preventing them, in order to diſconcert their projects, or at leaſt not to fear them. The ſtorm that threatened France was of a nature not to be allayed by negotiations. Theſe were the true cauſes of the war of 1688 (b). The right of the dutcheſs of

(b) It is true, the confederacy againſt him was the motive of the French king's beginning the war; but the cauſe of this motive was the haughty and unjuſt conduct of the French miniſtry, who had agreed to the peace of Nimeguen, with a view only to recover themſelves a little, and fall the more powerfully upon the Netherlands and the United Provinces, as well as upon the emperor and empire. The diſcovery

of Orleans to the ſucceſſion of her brother the elector Palatine, and thoſe of the cardinal of Furſtenberg to the archbiſhopric of Cologne, were only pretences: How important ſoever theſe affairs were, they ceaſed to appear ſo, as ſoon as the war was kindled. At the peace, it was only ſettled, that there ſhould be a general amnſty for the cardinal of Furſtenberg, for his relations and adherents; and that they ſhould be reſtored to the rights, effects, fœdal and allodial, benefices, honours, ranks, and perogatives, of which they had been deprived during the war. As to the conteſts between the ducheſs of Orleans and the houſe of Neuburg, nothing was decided. The empire and France agreed only, by a ſeparate article of their treaty, that arbitrators ſhould be appointed, within a certain time, to judge of the ducheſs's demands, and, if they could not agree, the affair was to be brought before the pope to be finally decided.

The war had now continued ſome years with great warmth on both ſides. The ſucceſs of the French arms, which on any other occaſion would have induced the allies to ſeek peace, ſerved only to exaſperate them in a war, which a jealouſy of the ambitious deſigns of Lewis XIV. had kindled, and by which they propoſed to humble that monarch.

Notwithſtanding his ſucceſſes, Lewis ſhewed a ſtrong inclination to treat. He preſſed the king of Sweden to offer his mediation to his enemies, and even declared upon what terms he was willing to make peace. But unhappily Europe had been uſed both to fear and ſuſpect him; ſo that the more moderate he appeared, the leſs he was believed.

Various were the conjectures about theſe pacific advances; ſome thought Lewis wanted to take breath, and therefore inferred the neceſſity the allies were under to exert their utmoſt efforts. Others believed, that, in ſeeming to deſire peace, he only ſought to engage the neutral powers to his ſide, and render his enemies odious. They were perſuaded, in affecting a falſe generoſity, his aim was to corrupt ſome of the confederates, and afterwards to take advantage of the weakneſs of the allies, and to cruſh them by pretending to be offended at their ſlighting his advances.

The moſt reaſonable imagined, that Lewis, having an eye to the Spaniſh ſucceſſion, thought only of breaking the alliance againſt Spain. They believed he wanted only to

covery of theſe ſchemes induced the elector Palatine to labour ſo ſtrenuouſly the league of Auſburg, not to attack the king of France, but to oppoſe his ambitious deſigns of attacking others.

repair

repair his finances, and have time to prepare for war. This belief ſeemed the more probable, as the king of France, in departing, in favour of the houſe of Bavaria, from his pretenſions to the Netherlands, reſerved his right to the ſucceſſion of Charles II, in caſe he died without iſſue. And yet theſe ſame perſons ſaw ſomething inconceivable in Lewis's advantageous offers. They did not think the breach of the alliance was equivalent to them. The confederates had already ſettled the affair of the Spaniſh ſucceſſion; they were uſed to treat and aſſiſt one another; and the ſight of the leaſt danger would unite them again, their intereſt being always the ſame. Beſides, though this diſſolution of the grand alliance ſhould have been more beneficial to Lewis, ought he to purchaſe it ſo dearly? For the allies, on their part, in order not to be exhauſted at the death of the king of Spain, would have accepted, on leſs advantageous terms, a peace which they conſidered only as a truce neceſſary for their affairs.

According to the memoirs lately publiſhed under the name of the marquis de Torcy, juſtice was not done to the views of Lewis XIV. It is there ſaid, Lewis deſired peace, becauſe he was touched with the calamities of the war, and, in renouncing the advantages gained by his arms, he had no other aim but to ſecure the peace, and remove the fears and ſuſpicions of Europe. It is added, the king of Spain of his own accord, and without the knowledge of France, called the duke of Anjou to his ſucceſſion; and, inſtead of expending immenſe ſums in bribing the Spaniſh miniſters, it was debated in council at Paris, whether the will of Charles II. ſhould be rejected, and the Partition-treaty adhered to.

In ſupport of this account, it is alledged, that it would have been moſt ſtrange to negotiate at the Hague, and, at London, a partition, at the ſame time that it was hoped the duke of Anjou would be called to the ſucceſſion of the whole monarchy. What would have been the fruit of ſo fraudulent a conduct? To weaken at once the will of Charles II. and the Partition-treaty, to incenſe the enemies of France, and increaſe the obſtacles to the advancement of the duke of Anjou. It is farther obſerved, that the faint manner in which Lewis undertook the war of 1701 clearly proves that he did not conclude the peace of Ryſwic, with deſign to prepare for the conqueſt of Spain.

Be theſe things as they will, the advantageous offers of Lewis XIV. in 1693 were ineffectual. The war was carried on with vigour, and it was ſeen that France was not exhauſted; but the peace ſigned at Turin the 29th of Auguſt, 1696,

1696, between Savoy and France, and confirmed afterwards by all the parties of Ryſwic, was in ſome ſort a ſignal of the general peace (c). Purſuant to the firſt article of the treaty, the duke of Savoy forced the allies, whom he abandoned, to conſent to a ceſſation of arms in Italy. Whereupon the French joined all their forces upon the Rhine and in the Netherlands, which was a conſiderable advantage; the conqueſts they made there were not uſeleſs, like thoſe of Italy, which the French could not keep, and which therefore were capable to oblige the enemies to ſeek peace.

The negotiations of Ryſwic were not difficult. The 20th of September, 1697, the French plenipotentiaries ſigned the peace with Spain, England, and Holland; and the 30th of the next month with the emperor and empire.

FRANCE. LORRAINE.

T. Ryſ. Fr. Emp. 3.

'The treaties of Weſtphalia and Nimeguen are to be the 'foundation and baſis of the treaty of Ryſwic between 'France on one part, and the emperor and empire on the 'other. All the articles that ſhall not be derogated from, 'ſhall remain in force.

T. Ryſ. Fr. Sp. 29.

'The treaties of the Pyrenees, Aix-la-Chapelle, and 'that of Nimeguen, between France and Spain, are con-'firmed in all the articles which are not altered by the treaty 'of Ryſwic.

T. Ryſ. Fr. Emp. 16.

'The emperor and empire give to the king of France 'Landau and its territory, conſiſting of the villages of Nuſ-'dorf, Arnheim, and Quiecheim. They likewiſe reſign to 'him Shaſburg, and what belongs to it on the left ſide of 'the Rhine, with all the juriſdiction, property, and rights 'of ſovereignty, which they have over that imperial 'city.'

Lewis XIV. had been poſſeſſed of this place ſince the 30th of September, 1681, by virtue of two acts; the firſt was the treaty between him and the pretor and conſuls of Straſburg, who acknowledged him for ſovereign lord and pro-

(c) The peace was made at the expence of the honour and reputation of that prince, which he ſacrificed to the ambition of ſetting one of his daughters on the throne of France. His ſon and ſucceſſor had ſentiments more worthy of a king, and never could the intrigues and promiſes of France induce him to take the leaſt ſtep againſt his own engagements.

tector.

tector *. The second was the truce concluded at Ratisbon the 16th of August, 1684, between France and the empire. The first of these acts was null of itself, no law obliging an imperial city to separate itself from the Germanic body, without their consent. The second gave the right of sovereignty to France but for twenty years. The right of sovereignty granted by the treaty of Munster over Alsatia, and its ten free cities, met with some objections in the congress of Nimeguen from the ministers of the emperor Leopold. The affair was decisively settled by the 4th article of the treaty of Ryswic, between France and the emperor and empire. It is there said, that all the places and rights, which were seized by his most christian majesty out of Alsatia, as well during the war and by way of fact, as under the name of unions or re-unions, shall be restored to the emperor, empire, and to the states and members thereof. The re-unions, which relate to Alsatia, are therefore valid. It was by the decrees of the 22d of March and the 9th of August, 1680, that the royal chamber of Brisac put the king of France in possession of the rights of sovereignty over Lower and Upper Alsatia.

* See Chap. III.

The duke of Lorraine shall be restored to the free and full possession of all the places and properties which his uncle duke Charles in 1670 (when they were seized by France) did enjoy, except only such alterations as are explained in the treaty.

T. Ryf. Fr. Emp. 28.

See Chap. I. D. of Lor.

'The ramparts and bastions of the new town of Nancy, and the outworks of the old, shall be demolished, with the fortifications of Kirsch and Homburg, and shall never be rebuilt. The duke may inclose the new town with a plain wall, without any angles. France shall enjoy, in full sovereignty, the fort of Saar Lewis, with half a league of ground round it, and the city and provostship of Longwic; giving in exchange to the duke of Lorraine another of the same extent and value in one of the three bishoprics. The troops of the French king shall have free passage through the duke's territories, upon timely notice, and paying ready money for what they shall take. So the roads reserved to France by the treaty of Nimeguen shall return to the duke's obedience.'

T. Ryf. Fr. Emp. 29. 30. 32. 33. 34.

EMPIRE.

EMPIRE.

T. Ryſ. Fr. Emp. 4.

"Reſtitution ſhall be made to the emperor and empire, by "the king of France, of all the places out of Alſatia, that "have been ſeized by force of arms, or by virtue of the de- "crees of the parliament of Beſançon, and the chambers "of Metz and Briſac; but the catholic religion ſhall con- "tinue in the ſame ſtate it is at preſent, in the places to be "reſtored."

This laſt clauſe, contrary to the regulations of the treaties of Weſtphalia, has cauſed in the empire quarrels capable to diſturb the public peace. In the juſt and preciſe ſenſe of the words, the clauſe only ordained, that the churches built by the king of France ſhould not be demoliſhed; and that the catholics ſhould continue their aſſemblies therein. The elector Palatine, the archbiſhop of Mentz, and ſome other princes, extended the meaning of the words, and by forced reaſonings pretended to infer, that the proteſtants could not have the free exerciſe of their religion in the places where the catholics had churches. Nay, they diligently ſought after places, towns, villages, and hamlets, where maſs had occaſionally been ſaid once or twice, and there erected chapels.

It may eaſily be conceived with what warmth the proteſtant princes of Germany oppoſed theſe pretenſions, ſince, in concert with the king of Sweden, who had been mediator of the peace, they refuſed to ſign the treaty of Ryſwic. Their complaints and remonſtrances began in 1714, during the congreſs of Baden. They demanded the repeal of the clauſe of Ryſwic; and though they were ſupported by their allies, the maritime powers, and favoured by France, they could obtain no ſatisfaction.

This quarrel ceaſed at length, but it revived in 1735, when the queſtion was to ſettle the preliminaries of the peace concluded at Vienna ſome years after. The king of France declared on that occaſion, that he left the deciſion of the affair to the emperor and the diet of the empire; that, by the clauſe of the 4th article of Ryſwic, he did by no means pretend to weaken the rights, which the proteſtants of Germany enjoyed by virtue of the peace of Weſtphalia; and that he deſired nothing more than that the churches, built by Lewis XIV. in favour of the catholics, ſhould.

ſhould remain. The princes and ſtates of the Augſburg confeſſion were not heard.

Probably they will relinquiſh the proſecution of this affair. They have failed in two attempts; and the ſucceſs would be the more difficult now, that a ſort of proſcription muſt be exerciſed upon the catholics, in depriving them of what they poſſeſs. Beſides, the princes of the Romiſh communion have by degrees drawn, from the clauſe of Ryſwic, all the advantages they could expect; and it is reaſonable to think that, for the future, their moderation will make the proteſtants forget the injury done them by the peace of Ryſwic.

'The king of France ſhall reſtore to the emperor and T. Ryſ. Fr. Emp. 16. 23. &c.
'empire the fort of Kehl built by him, and ſhall demo-
'liſh, at his expence, the fort of Pille, and the other forti-
'fications, in the iſle of the Rhine, except fort Lewis.
'The fortifications of this fort, and of Huningen, ſhall be
'deſtroyed, with their bridges of communication. The
'fortifications added, after the peace of Nimeguen, to the
'caſtles of Traerbach, Kirn, and Eberenburg, ſhall have
'the ſame fate; as alſo the fort of Montroyal on the Mo-
'ſelle. None of theſe fortifications ſhall ever be rebuilt.
'The navigation of the Rhine ſhall be free to both powers;
'the courſe of the river ſhall not be changed, nor new tolls
'eſtabliſhed, or old ones increaſed.

'The king of France reſigns to the emperor and the Ibid.
'houſe of Auſtria the city and caſtle of Friburg, the fort 19. 20.
'St. Peter, the Star-fort, with all the works newly erected
'in the Black Foreſt, and the reſt of the Briſgau, the vil-
'lages of Lehen, Metzhauſen, Kirchzart, the city of Bri-
'ſac, with its dependencies, on the right ſide of the Rhine.
'The fort le Mortier ſhall remain to France; but that part
'of Briſac, on the left ſide of the Rhine, and commonly
'called the New City, ſhall be demoliſhed, with its bridge
'and the works, in the iſle of the Rhine. They ſhall never
'be rebuilt.

'The treaty of St. Germain-en-Laye, of the 29th of June, Ibid. 7.
'1679, between France and the elector of Brandenburg,
'ſhall remain in full force.'

'The grand maſter of the Teutonic order ſhall enjoy all Ibid. 11.
'his antient privileges and eſtates that are in the French do-
'minions; and ſo ſhall likewiſe the biſhop of Worms.

'The county of Montbeliard ſhall preſerve its immediate Ibid. 13.
'dependence on the empire, without having any regard to
'the faith and homage paid to the crown of France in 1681.

'The territory of Baldenheim, with its dependencies, shall 'be held of the county of Montbeliard.'

SPAIN.

T. Ryf. Fr. Sp. 5. 'France shall restore to Spain the city and duchy of 'Luxemburg, the county of Chinoy, with their dependencies.'

The French had remained in possession of that country, by virtue of the truce of twenty-four years, concluded at Ratisbon the 16th of August, 1684, between France and Spain. It is well known, that, the king of Spain seeking to elude, by affected delays, the execution of the articles stipulated at Nimeguen, the French began some hostilities, to which the truce of Ratisbon put a stop. Lewis XIV. could hardly find a fairer opportunity to attack the house of Austria; as the emperor was then involved in a war with the Turks in the kingdom of Hungary.

Ibid. 7. 10. 'By the peace of Nimeguen, the king of France, resigning Aeth to the Spaniard, had reserved la Verge de Menin, and Condé. He also retained, by the peace of Ryswic, 'the town of St. Antony, Vaux, Guarrain, Ramecroix, 'Bethune, Constantin, Paradis, Kain, Havines, Meles, 'Mourcourt, le Mont de St. Audebert, called de la Trinité, Fontenoy, Maubray, Hernies, Calvelle, and Viers, 'which are dependencies of Aeth. The generality of the 'provinces of Flanders, Hainault, and Brabant, shall belong to the king of Spain, but without prejudice to what 'has been resigned to France by the foregoing treaties.

Ibid. 10. 'All the places, cities, towns, villages, and hamlets, of 'which the king of France had made re-unions to his 'crown, since the peace of Nimeguen, in the provinces of 'Namur and Luxemburg, in Flanders, Brabant, and Hainault, shall be restored to Spain, except 82 towns, villages, or hamlets, which the king of France considers as 'dependencies of Charlemont, Maubeuge, and some other 'places resigned to France by the treaties of Aix-la-Chapelle 'and Nimeguen.'

It is needless to mention the names of all the places resigned and restored; they are without number. The reader, if he pleases, may consult the treaty of Lisle, concluded the 3d of December, 1699, between France and Spain, in execution of the treaty of Ryswic. He may also have recourse to a writing intitled, "Lisle, and a declaration of the re-

"unions

" unions made by his moſt chriſtian majeſty in the provinces " of his catholic majeſty in the Netherlands, ſince the treaty " of Nimeguen."

' As to the rents laid upon the generality of ſome pro- T. Ryſ. ' vinces in the Netherlands, of which part is poſſeſſed by Fr. Sp. ' France, and part by Spain, it is agreed, that each ſhall 23. 24. ' pay his quota; and commiſſioners ſhall be named to ſettle ' the proportion each ought to pay. As to the rents due See T. Liſle, ' upon ſuch or ſuch a particular place, they ſhall be paid to 1699. ' the creditors of what nation ſoever they be.'

ENGLAND.

' France acknowledges king William, and promiſes not T. Ryſ. ' to diſturb him in the free poſſeſſion of his three king- Eng. Fr. ' doms, nor afford any aſſiſtance, directly or indirectly, to 4. ' his enemies.'

James II. had foreſeen that his intereſts would be ſacrificed to the peace, and therefore proteſted, fourteen days before the ſigning, againſt all ſtipulations to his prejudice.

' The king of England promiſes to pay punctually to ' queen Mary of Eſte, wife of James II, an annual penſion ' of fifty thouſand pounds ſterling, or ſuch other ſum as ' ſhall be ſettled by parliament, under the great ſeal of ' England.'

This article is, in a declaration of the Engliſh ambaſſadors made to thoſe of France, and inſerted in the protocol of the miniſter mediator. It was here to be obſerved, that ſuch ſort of acts, which run upon points not to be inſerted in a treaty, have however the ſame validity.

UNITED PROVINCES.

' France, and the republic of the United Provinces, re- T. Ryſ. ' nounce all pretenſions whatſoever that they may have upon Fr. U. P. ' each other.' 11.

HOUSE of SAVOY.

' The articles of the treaties of Queruſque, Munſter, the T. Tur. ' Pyrenees, and Nimeguen, concerning the houſe of Savoy, 2. ' are maintained in full force.'

T. Tur. 1. 'The king of France reſigns to the duke of Savoy, in 'full ſovereignty, the lands and demeans included in the 'government of Pignerol. All the fortifications ſhall be de- 'moliſhed; the duke of Savoy engages never to rebuild 'them, and promiſes to erect no new ones in the reſtored 'country. The city of Pignerol ſhall only have a plain wall 'about it.

'France ſhall ſtill remain charged with paying to the 'duke of Mantua, on account of the houſe of Savoy, the 'ſum of 494,000 gold crowns, purſuant to the treaty of St. 'Germain-en-Laye.'

The reader may look back to the chapter of the Treaty of Weſtphalia, at the article of the Houſe of Savoy.

Ibid. 5. 'The ambaſſadors and envoys of Savoy ſhall be treated 'at the court of France as thoſe of crowned heads; and 'the ambaſſadors of France, at Rome and Vienna, ſhall 'treat the ambaſſadors of Savoy as they do thoſe of 'kings.

Ibid. 7. 'The duke of Savoy engages not to ſuffer the ſubjects of 'the king of France to ſettle, on any pretence whatſoever, in 'the valleys of Lucern, or of the Vaudois. He alſo pro- 'miſes not to permit the exerciſe of the reformed religion in 'the government of Pignerol.

'Maria Adelaid of Savoy renounces, in favour of the 'princes of her houſe, in the direct or collateral line, all the 'rights ſhe may have by her birth. The king of France, 'the dauphin, and the duke of Burgundy, approve and con- 'firm this renunciation.'

This is the third article of the marriage-contract of the princeſs of Savoy with Lewis duke of Burgundy.

HOUSE OF FARNESE.

T. Ryſ. Fr. Sp. 32. 'The king of Spain ſhall put the iſland of Ponza in the 'Mediterranean into the power and poſſeſſion of the duke 'of Parma.'

PROTESTATIONS.

By an act paſſed at Ryſwic, the 7th of October, 1697, the houſe of Egmont proteſts againſt whatever was ſtipu- lated in the congreſs of Ryſwic, in prejudice to his rights upon

upon the duchy of Guelders, the counties of Egmont, Zutphen, Meurs, Hornes, &c. and the lordſhip of Mechlin, poſſeſſed by the king of Spain, the ſtates-general, or the biſhop of Liege. The ſtates of Guelders and Zutphen anſwered this act by a counter-proteſtation of the 30th of January, 1698, dated at the Hague.

The town of Embden was included by the ſtates-general in the treaty of Ryſwic with France. The prince of Eaſt-Frizeland proteſted at the Hague, the 4th of November, 1697, againſt this incluſion; pretending very juſtly, that ſuch an honour can belong only to a ſovereign power. Embden, ſupported by the protection of the United Provinces, has always affected an intire independence. The diſputes with the prince of Eaſt-Frizeland are too well known to be mentioned here. The ſtates-general conſented to withdraw their garriſon, as ſoon as the king of Pruſſia came to be poſſeſſed of the principality of Eaſt-Frizeland, by the death of the late ſovereign, whoſe heir he was by right of reverſion.

At the Hague, the 8th of November, 1697; proteſtation of Maria d'Orleans, ducheſs of Nemours, for the preſervation of her rights to the principality and marquiſate of Rothelin.

Ryſwic, the 28th of September, 1697; proteſtation of the houſe of Tremouille, on account of its rights to the kingdom of Naples.

Ryſwic, the 7th of October, 1697; proteſtation of the houſe of Montmorency-Luxemburg, for the preſervation of its rights to the duchy of that name.

The 4th of November, 1697, the duke of Mantua notified to the miniſters aſſembled at Ryſwic an act, whereby he proteſted againſt whatever was done, in the treaties of peace, contrary to his rights and intereſts.

The ſame day the houſe of Brunſwic-Wolfenbuttel proteſted at the Hague, for the preſervation of its rights to two prebends in the cathedral of Straſburg. They had been given to him by the treaty of Oſnabrug, and were taken from him by a decree of the chamber of Briſac, and by the 4th article of the treaty of Ryſwic, between France, the emperor, and empire.

The act has been mentioned, whereby James II. of England proteſted, the 6th of September, 1697, againſt whatever ſhould be ſtipulated to his diſadvantage in the treaty of Ryſwic.

The 13th of December, 1697, the miniſters plenipotentiaries of France, at the congreſs of Ryſwic, made a general proteſtation againſt all thoſe that had been preſented to the congreſs.

CHAP. VI.

TREATIES OF TRADE AND NAVIGATION BETWEEN THE PRINCIPAL POWERS OF EUROPE.

WE live in an age which does not want to be told, that a nation cannot be happy and flouriſhing without commerce. It was very late before this truth was known to Europe. The barbarians, who eſtabliſhed themſelves upon the ruins of the Roman empire, were fit only for war, and the nature of their government rendered it neceſſary for ſeveral centuries. Whilſt the moſt powerful nations were trying their ſtrength againſt one another, or were a prey to inteſtine diviſions, ſome republics in Italy built ſmall veſſels, and tranſported from port to port ſuch commodities as they hoped to diſpoſe of. Theſe beginnings were proſperous, and helped to eſtabliſh a rich trade, which the ancients had carried on by the way of Alexandria, and the ports of Syria. From theſe places the Venetians and Genoeſe imported the merchandizes of the Eaſt-Indies, which they ſold again at an immenſe profit.

After their example, ſome cities, ſtanding on the Baltic ſea, ſettled a correſpondence between the northern kingdoms and Germany, of which they themſelves were the channel. All the trade of theſe provinces was in their hands: they entered into a confederacy, to render themſelves more conſiderable: their riches enabled them to make themſelves reſpected by their neighbours, and the moſt potent princes ſought their alliance.

Commerce was no longer a ſtranger to Europe: all the cities on the ſea or large rivers took advantage of their ſituation; they became ſo many ſtaples, where the neighbouring provinces brought the overplus of their merchandizes, and provided themſelves with what they wanted.

Manufactures

Manufactures were formed on all ſides; and the pilots, by conſtant practice, carried at length navigation to the higheſt perfection. In the fifteenth century, Italy was already very famous for ſilk-ſtuffs, and the Netherlands for woollen manufactures. About the ſame time France had the good fortune to enjoy a Jaques-Cœur, the greateſt merchant perhaps Europe has ever ſeen; and the Portugueſe, by coaſting along the weſtern ſide of Africa, were trying to open a new paſſage to India.

The diſcovery of America, and the ſafe arrival of the Portugueſe to Calicut, by doubling the cape of Good-Hope, produced a ſurpriſing revolution in all Europe. The trade of Italy ſunk, and Liſbon became the general magazine of the Indian commodities. The Portugueſe, ſold, at a moderate price, what the Venetians and Genoeſe were forced to pay dear for to the Arabs or the Perſian caravans. Luxury ſpread itſelf, and was fed with new objects; induſtry, encouraged by the gold and ſilver of America, brought all the arts to perfection, and created new ones.

The hanſe-towns had now begun to decay. Their ſituation on the ſea and large rivers, which at firſt was the cauſe of their flouriſhing, became afterwards the occaſion of their ruin. For their diſtance, which enabled them to render their commerce more extenſive, hindered them from aſſiſting one another when attacked by their enemies. This aſſociation, conſiſting of 72, and ſome ſay of 80 cities, had been formed at a time when the princes enjoyed but a precarious authority in their dominions; but, in proportion as they increaſed in power, they commanded the hanſe-towns in their territories to withdraw from the union. This immediately ſeparated from them all the cities of England, France, Spain, and Italy. The more the hanſe-towns perceived themſelves weakened, the leſs they were united together; and being deſirous, one at the expence of another, to repair the loſſes cauſed by their decay, they haſtened their ruin. This ſociety almoſt undone by their quarrels, which the Flemiſh and Dutch had wiſely availed themſelves of, loſt all hopes of retrieving their commerce, when they ſaw it carried on by the moſt potent nations themſelves.

There are five branches of commerce in Europe. The home trade of each ſtate in particular, the commerce of the Europeans among themſelves, and the trade to India, to America, and to the coaſts of Africa. It will not be amiſs to make here a few reflections on ſo important a ſubject.

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The home trade does not of itself enrich a nation, since, supposing no exportation, there is no money imported; it is however the most useful, and serves for foundation to foreign commerce. Without excellent laws on this part of the government, a kingdom languishes in the midst of the riches which should be the fountain of its strength and prosperity. Agriculture and all the other arts which are in the hands of the country people, deserve the particular attention of the legislature; by encouraging them, industry, riches, and people are increased and abound, and consequently the society becomes capable of forming the greatest enterprizes. If, on the contrary, the circulation is not free in the provinces of a state, nature's bounties will be there spread in vain; the products will be spoiled for want of consumption; and plenty will be dreaded almost as much as a scarcity, and men will labour less in order to sell dearer. It is easy to see how many evils must result from this capital error, by reflecting on the intimate connexion between all the branches; but this is not the place to enlarge upon this subject, how interesting soever it may be, nor upon the means used by political states, to promote inland commerce.

Want binds all the nations together. From the north are brought timber to build, pitch and tar, corn, wax, furs, &c. France affords wine, brandy, salt, &c. Spain, England, in a word, all the states of Europe have some particular products either from nature or industry. Properly speaking, the nation in favour of which the balance of trade should incline, is that which inhabits the most fertile climate. And yet Holland has immense treasures, the fruit perhaps of the most extensive trade in the world, though the produce of its lands cannot maintain the eighth part of the inhabitants; and, wanting the most necessary things of life, it has only butter, cheese, and a little coarse wool. What makes well for Holland is, that, far from improving their advantages, most nations live in a profound ignorance of their interests, and have their hands tied up by idleness, which is the effect of the bad constitution of their government.

The Hollanders profit by the fertility of all the countries to which they extend their commerce and navigation. The riches which a nation knows not how to use become their own. They import and work up at home, silk, wool, thread, cotton, hair, and generally all the materials which can be used in manufactures. Their towns are rich magazines, where they have the art of collecting all the particular commodities of the several states of Europe. They gain by

by the wine and brandy of France, by the corn of Poland and Livonia, by the timber of Norway and Ruſſia, by the copper and iron of Sweden, by the wool of Spain, by the ſilk of Italy and the Levant, &c.

The induſtry of the Dutch would ſoon ceaſe to enrich them if all the nations, of whom they are the factors or carriers, ſhould follow the prudent example of England. In 1660 the parliament made a regulation, the wiſeſt that can be deviſed to increaſe and extend their commerce. By the act of navigation then paſſed, no goods are to be imported into, or exported out of any of the Britiſh dominions, in any other ſhips but ſuch as belong to England or Ireland. All the articles of this act tend to one ſingle point, namely, the prohibition of the Britiſh ports, either in or out of Europe, to all foreign ſhips not freighted with the merchandizes wrought or unwrought of the nation.

If France, much richer in itſelf, had taken the ſame courſe, what immenſe riches would ſhe poſſeſs? But at the ſame time that England was combating all obſtacles, and by the encouragement of navigation forcing the Engliſh to carry on their commerce themſelves, the French neglected their moſt judicious maxim, and made foreigners partners in their trade.

In the reign of Lewis XIII, the importation of all merchandizes detrimental to the manufactures of the kingdom was prohibited. The foreign traders could vend their goods only at fairs, or at certain fixed places; precautions were taken to hinder frauds under a borrowed French name, and by an edict of that prince ſome foreign merchants were obliged to freight their ſhips with commodities of the growth of the kingdom to the value of thoſe they had ſold. The exportation of the firſt materials was forbid on ſevere penalties, and the importation of the ſame promoted by leſſening the duties. Above all things, it was not permitted to freight in the ports of France any foreign veſſels for the exporting of merchandizes.

The commerce of France was interrupted during the long wars ended by the Weſtphalian and Pyrenean treaties. Inſtead of reſtoring it at the peace by encouraging navigation, which had likewiſe much ſuffered, the prohibition to foreigners to freight in the ports of France was taken away. The goods and wares wherewith the kingdom was overſtocked, were profuſely exported; and it was thought a very politic thing. But this tranſient advantage produced a miſchief which was long felt. The merchants were uſed to ſee

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foreign ſhips laden with their goods, and were become only mere factors; deprived of the profits of freight, their fortunes diminiſhed; they purchaſed cheaper the merchandizes and wares of their fellow-ſubjects, and ſold them in leſs quantities. It is eaſy to perceive what a terrible blow this was to the nation; the price of lands fell; manufactures were diſcouraged; ſhipwrights and ſailors, becoming uſeleſs, went into the ſervice of foreign powers, and enabled them more ſurely and longer to take advantage of the errors of France.

The permiſſion granted to foreigners to freight in the ports of France ſhould have laſted only till ſhips had been built or purchaſed, but the miniſtry perceiving the merchants had ſettled matters according to their ſituation, and dreading perhaps the impoſſibility of reſtoring navigation without a great expence to the king, they thought not of reviving the old regulations; on the contrary, they confirmed the grievances by ſettling this cuſtom of freight at fifty ſous a ton. The balance of trade, however, was ſtill on the ſide of France; and it was that which deceived a miniſtry, not ſo clear-ſighted as the preſent managers of this important branch of the government. It was concluded from thence that the adminiſtration was judicious, whereas it ſhould only have been inferred that the natural advantages of France over her neighbours were ſuch as to enable her to commit errors with impunity.

The ſpeedieſt and moſt certain way to increaſe the commerce of a ſtate is to cauſe navigation to flouriſh. In vain are the wiſeſt laws made encouraging manufactures and the cultivation of the lands, if there are not merchants always to export the overplus of the goods and commodities. A nation who ſtays to ſell till purchaſers come, muſt often be overſtocked with wares, and conſequently neglect a manufacture which is not rewarded. If the truth of this is queſtioned, the Memoirs of John de Wit may be conſulted. That great man aſcribes to the Dutch fiſhery, not on account of its profits but becauſe it is the ſoul of their marine, all their reſources to free themſelves from the dominion of Spain, to conquer the Indies, to form their commerce, and to acquire the regard they enjoy in Europe.

After the mention of the advantages of navigation relating to trade, it will be proper briefly to examine the maxim which ſays, He that is maſter at ſea, will be ſo at land. This ſort of axiom was formed about three thouſand years ago in Greece, during the war againſt Xerxes. Every

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one knows that under the conduct of Themiſtocles the Athenians equipped a large fleet which defeated that of the Perſians. Xerxes, who could not poſſibly make a deſcent on the coaſts of Peloponneſus, whilſt this army was beſieging the Iſthmus of Corinth, deſpaired of ſubduing the Grecians. He was ever afraid that, after they had made themſelves maſters at ſea, they would cut off his retreat by breaking down the bridge over the Boſphorus, and haſtily retired into Aſia. Greece was delivered from the impending danger, and, owing her ſafety intirely to her marine forces, was convinced of their importance.

It was natural for the Grecians to conſider the ſea that parted them from Aſia, as a barrier againſt the Perſian king; but this barrier was of no ſervice, unleſs it was covered with ſhips. Beſides, Greece being compoſed wholly of iſlands and maritime republics, that ſtate whoſe marine was flouriſhing, muſt neceſſarily have exerciſed a kind of dominion. This was enough to give authority to the maxim in queſtion.

It was no leſs true with reſpect to the Romans, when their ambition led them to extend their power beyond Italy. How could theſe proud conquerors have ſubdued the iſles of the Mediterranean, triumphed over Spain, Carthage, Greece, and eſtabliſhed their empire in Aſia, if their fleets had not been ſuperior to thoſe of their enemies? Would it have been poſſible for them to preſerve their conqueſts, if ſome power by becoming maſter of the Mediterranean had cut off their communication with their provinces?

The Romans therefore were in the right to adopt the political axiom of the Greeks. But is this maxim alſo true, in regard to the moderns? The reſpective ſituations of the powers of Europe are very different from that of the Grecians, or of the Roman republic with reſpect to the countries out of Italy. And indeed, during the three centuries in which the marine has been increaſing in Europe, actions at ſea have never decided the fate of wars. The taking of certain places and deciſive battles which have laid open whole provinces to the conqueror, is what now-a-days determines the deſtiny of ſtates, and what will continue to do ſo, as long as by their ſituation ſome powers who have the chief influence in the affairs of Europe, will not concern themſelves about what paſſes out of the continent.

The dominion of the ſea would give univerſal monarchy to a nation, but it muſt be a dominion like that of the Romans over the Mediterranean, and which is impoſſible now when

when our navigation, as extenſive as their's was confined, requires an infinitely greater expence. What nation can have ſhips and ſailors enough to rule all the ocean, and, like the Romans, oblige other ſtates to keep but ſuch a number of ſhips? On the contrary, in the preſent ſituation of things, the dominion at land muſt lead to that of the ſea; and it may be advanced as an undeniable truth, that it is the fault of the moſt powerful nation at land, if it is not alſo the moſt powerful at ſea.

If the ſuperiority at ſea does not lead to univerſal monarchy, it procures at leaſt great riches, and enables a ſtate to carry on their trade with equal ſucceſs in war and in peace. A nation that equips large fleets, is a neighbour to all other ſtates; they can, at pleaſure, make themſelves feared, loved, and reſpected; and, their alliance being preferred before that of a ſtate more powerful in itſelf, they will often act a more conſiderable part in the affairs of Europe.

Before Columbus had diſcovered America, and the pilots of Liſbon had doubled the Cape of Good Hope, the Portugueſe had made rich ſettlements on the coaſts of Africa, which extended from the kingdom of Gualata to the country of Cafraria. In India, they built forts in Soffala and on the coaſts of Zanguebar, and took the iſland of Moſambic. They remain maſters of theſe laſt conqueſts, which open to them the rich trade of Monomotapa and Abyſſinia; but they were forced to ſuffer other Europeans to have forts in Guinea and Congo.

Africa, the inland parts of which are not known, is inhabited by moſt barbarous and ignorant nations. The African trade is the more advantageous, as, in exchange for wine, brandy, ſilk and woollen ſtuffs, linnens and iron wares, it produces gums neceſſary for dying, drugs, hides, wax, ivory, ebony, cloves, gold, ſilver, and ſlaves.

What riches ſoever Guinea, Monomotapa, and the kingdoms of Soffala and Zanguebar ſpread among us, Africa is ſtill more advantageous by the traffic of ſlaves, which is carried on from the river Senoga to Banguela-Nova. Without the ſlaves, which the Europeans buy and convey to America, they would be forced to abandon the provinces they poſſeſs in the new world. By the negroes alone it is that the mines are worked, the lands cultivated, the ſugars made, tobacco prepared, and conſequently they are the ſoul of the richeſt commerce of Europe.

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One of the greateſt advantages of the negro trade is neglected. Many ſtates want men to cultivate lands, and work manufactures; why, therefore, do not the princes of Europe permit their ſubjects to purchaſe ſlaves in Africa? Whatever the lot of theſe wretches might be, it would not be ſo hard here as in the Weſt-Indies. In devoting them to the loweſt and moſt laborious functions of ſociety, they would fare no worſe than our freemen who are obliged to that ſervice, and who might be put to better uſes.

The objections that are urged againſt ſlavery, do not deſerve notice. Since it is allowed in the American colonies, there is no reaſon it ſhould not be permitted among us, when policy, which knows its utility, ſhall eſtabliſh the cuſtom. Let it not be thought a degrading of humanity to have ſlaves; the liberty which every European thinks he enjoys, is nothing more than a power to break his chain and chuſe a new maſter. Want makes ſlaves, and they are the more unhappy, as no law has provided for their ſubſiſtence. What really debaſes mankind is beggary, which is neceſſary only to nations where there are none but freemen.

This ſubject ſhall be concluded with ſhewing in part the advantages that would accrue to a kingdom like England or France. It is certain, the merchants, taking ſlaves of Guinea in exchange for the wares of their country, would promote agriculture no leſs than manufactures. In the next place, the ſale of their negroes at their return would open a new way of circulation; it would multiply the contracts of ſale, and conſequently the profits of the ſubjects, becauſe every bargain ſuppoſes an advantage to the buyer and ſeller. The negroe trade would produce new riches in the ſtate. The Africans are known to be robuſt, dexterous, and intelligent; their owners would make an advantage of theſe qualities, and put them to learn profitable trades. From hence would reſult two great benefits; the firſt, that the manufactures would no longer flouriſh at the expence of agriculture, from which they always take the neceſſary hands; the other, that the manufacturers, ſelling their wares at a lower price than at preſent, would eaſe the people and enlarge their ſale.

It is impoſſible to calculate all the advantages which would be produced from the eſtabliſhment of ſlaves. What lands, now lying waſte, would be cultivated? What undertakings, which the expence renders impoſſible, would become eaſy? But no more ſhall be ſaid of a ſcheme which perhaps after all will be deemed a chimera.

In 1498, the Portugueſe, after having ſurmounted all the

obſtacles on their way to India, arrived on the coaſts of Malabar. The eſcaping of the dangers of the ſea was nothing, in compariſon of the diſpoſſeſſing of the Mahometans of the commerce of Aſia of which they were maſters; ſettlements were to be conquered and kept; the Indians to be intimidated and flattered; and, to ſay all in a word, confidence was to be inſpired by making of conqueſts. This by the prudence and courage of the Portugueſe was accompliſhed. They built forts in the places moſt convenient for their purpoſes, tamed the inhabitants of ſome countries, intimidated others, and acquired at laſt the dominion of the Indian ocean.

Portugal, perhaps, would enjoy the fruits of their labours, if it had not become a province of Spain after the death of king Henry. Compelled to take part in the obſtinate wars excited by the revolt of the Netherlands, all its parts were ſhut up to the Dutch, and, in their deſpair, theſe growing republicans attempted to go themſelves to India for the merchandizes, they could not purchaſe at Liſbon: an example which was quickly followed by other nations.

The Dutch found the Indians well-diſpoſed to receive them, and were looked upon by them as deliverers. The revolution was ſudden. The Hollanders ſubdued the Molucco iſlands; and, without mentioning their other ſettlements, it ſuffices to obſerve that they were become ſo powerful in India, in 1609, that Philip III, who deſpaired to drive them from their conqueſts, permitted them, by treaty, to continue their commerce in all the ſeas, and on all the coaſts where they had, till then, carried it. The war was renewed in 1621, and the Dutch retained their ſuperiority till the year 1640, when the Portugueſe threw off the Spaniſh yoke, and proclaimed the duke of Braganza king.

Not being enemies of the United Provinces, becauſe they had been ſubjects of the king of Spain, they ſpeedily ſought the friendſhip of the Dutch; but, inſtead of a laſting peace, they obtained only a truce of ten years, during which each party was to remain poſſeſſed of what they held in India. It was difficult faithfully to obſerve the articles of the treaty. The Dutch were uſed to conſider Aſia as their demean; they were afraid, their dominion was not ſecure, ſo long as the Portugueſe hoped to ſhare it; and it behoved them to increaſe their forts before the Engliſh and French, whoſe credit daily gained ground in India, were firmly eſtabliſhed. The circumſtances were the moſt favourable to complete their work; the hatred of the Indians

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to the Portugueſe was not to be ſuffered to cool, and beſides it was not likely, that the Portugueſe, taken up with their liberty and their new king, would mind any other affairs. However, the court of Liſbon exclaimed againſt the treachery of the Dutch, and declared war againſt them. The Portugueſe drove them out of the Braſils; but they loſt almoſt all their ſettlements in India. The Dutch, raiſed upon their ruins, have ever ſince been the moſt conſiderable power in that part of the world.

The commerce carried on by the Europeans in thoſe rich countries is ruinous of itſelf. We go thither to fetch ſilks, cottons, ſpices, china, &c. but as it is not in exchange for ours, that the Indians give us their goods, there ariſe from thence two diſadvantages; we hurt the progreſs of our manufactures, and we loſe every year a great part of our ſilver and gold, which is amaſſed in the Indies, and never returns. Probably, Europe, which is exhauſted at laſt, would learn to live without the ſuperfluities of Aſia; but America, which very fortunately was diſcovered about the ſame time that the Portugueſe doubled the Cape of Good Hope, ſends us more ſilver and gold than we export to the Indies, and enables us to gratify our luxury at a dear rate.

This commerce would ſoon be reduced to nothing, and become a charge to the ſtates which carry it on now with the greateſt ſucceſs, if all the nations of Europe ſhould trade directly to India, or if thoſe, who cannot ſend their ſhips thither, for want of ſtock, or becauſe they have by ſome treaty renounced that privilege, could prohibit the uſe of the Aſiatic commodities. It appears, at firſt ſight, that they ſhould reſolve at once upon one or other of theſe two courſes, in order to reap themſelves the profit which is made by retailing to them what they want, or to baniſh a luxury which muſt drain them by degrees. But let it be remembered it is the intereſt of many nations to make uſe of Indian wares, though they have them not from the firſt hand, becauſe they buy them cheaper than the manufactures of their neighbours, which they cannot be without. In the next place, ſhould every ſtate to whom they are neceſſary, attempt to trade themſelves, they would find themſelves diſappointed of their expectations. The expences would ſwallow up the profits, and the merchandizes of Aſia would come dearer to them than by purchaſing them from the warehouſes of England, Holland, or France.

The ſtates who have ingroſſed the whole traffic of the Eaſt-Indies, will conſtantly oppoſe all others from having

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a ſhare in it. They ſhould not, however, conſider, as a miſfortune, a revolution that ſhould intirely ruin that trade. It is true, one of the fountains of their treaſures would be dried up, but the others would become the more full. The leſs goods the Engliſh, French, and Dutch imported from India, the more of their own would be ſold, and the profits from thence would make them ample amends for the loſs of the Indian commerce.

There is no need to ſpeak of the ſeveral companies which trade to the Indies. It ſhall only be remarked, that the Dutch have in thoſe vaſt countries many advantages over all other Europeans. Independently of the places, they poſſeſs in the moſt convenient ſituations of India, and on the coaſts of China; Japan is open to them alone. They are become ſo powerful in thoſe ſeas that all the trade from port to port is in their hands. They are maſters of all the countries where cinnamon, nutmegs, and cloves grow; and theſe ſpices, much more uſed in Aſia than in Europe, ſerve them inſtead of ſilver and gold, which the Engliſh and French muſt have to make their purchaſes.

What has been ſaid of this commerce of India is applicable to that of Perſia and China. For that purpoſe it may not be amiſs to mention the grand projects of Peter the Great, Czar of Muſcovy. This monarch intended to eſtabliſh by the Caſpian ſea a trade with the northern provinces of Perſia, and to form a general magazine at Aſtrakan, from whence the merchandizes might be conveyed to Peterſburg by the Volga, and by ſome canals which would make a communication between that river and the Volchoiva. Purſuant to ſtill more extenſive views, he thought of ſettling a correſpondence between Peterſburg and Pekin. It muſt be owned, greater or more noble deſigns cannot be deviſed, but is the execution of them poſſible?

If the memoirs, compoſed on this ſubject by perſons of knowledge, are to be credited, the communication is eaſy between Peterſburg and Aſtrakan. All the riches of the provinces bordering on the Caſpian ſea, ſuch as ſilks, colours for dying or painting, medicinal drugs, rhubarb, ſena, all theſe are conveyed from Aſtrakan to the Ruſſian metropolis at an eaſy rate; and the Ruſſians might have the larger vent of theſe commodities, as they would ſell them cheaper than the merchants of Smyrna and Conſtantinople, who vend them for the Armenians. On the other hand, the ſcheme of a traffic by land from Moſcow to Pekin muſt be deemed a chimera. The way from one of theſe cities to the other

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is immenſe. Deſarts or countries inhabited by barbarous nations muſt be croſſed: What commerce is ſo gainful as to furniſh the expences of the caravans to convey to Muſcovy the merchandizes of China?

America is rather the treaſure of the Europeans. Here they find a quick and ſure vent for all their goods and all their commodities; they are paid for it ready money or exchanged for cocoa, indigo, cochineal, or other precious effects. We do not permit the Americans to cultivate our arts and to live without us. The more their country, of which we know little, beſides the coaſts and the ſides of the great rivers, civilized, the more extenſive will be the European trade: even at this time, it would be much more advantageous, if the nations who have colonies in America, conducted themſelves by wiſer principles.

The Spaniards poſſeſs the richeſt provinces of America, maſters of all the ſilver and gold of the new world, they would have been in condition to give law to Europe, if inſtead of enjoying Mexico, Peru and Chili, as ſo many demeans; they would only have formed ſettlements which would have thrown out their hands the whole trade of thoſe kingdoms. Spain, very populous before the expeditions of Cortez and Pizaro, has weakened itſelf to conquer and preſerve its American poſſeſſions. The Spaniards flocked in crowds to a country where fortune is laviſh of her favours. The court of Madrid themſelves countenanced theſe tranſmigrations; but they perceived at laſt, that Caſtile and Arragon, when ſtocked with people were a more precious treaſure than the mines of Peru and Chili.

In truth, the fields in Spain were deſerted, the manufactures decayed, and the arts ceaſed to be cultivated. In this ſituation, of what benefit to the Spaniards are their American poſſeſſions? The Engliſh, the French, and the Dutch carry on the trade in their name, and of all the treaſure that comes to Cadiz there remains to Spain only the ſums levied by the king for his indulto, and given to the natives of the country, who lend their name for the commerce. But it muſt be obſerved that all this money and the ſums which come to Madrid, otherways than by trade, can hardly pay for the foreign goods and wares, which the Spaniards conſume and are obliged to purchaſe. [illegible]

It is commonly ſaid to be a happineſs for Europe that Mexico, Peru and Chili, are poſſeſſed by ſo idle and indolent a nation. This is an undeniable truth. But it is added, that if an active and ſtirring nation like the French, Engliſh, or Dutch, had ſubdued theſe kingdoms, they would make them-

themſelves, maſters of all the riches of the old and new world; and eſtabliſhing their grandeur upon that foundation, they would quickly conquer their neighbours. This does not ſo plainly appear. In the firſt place, it would be a ſilly undertaking to deſire the conqueſt of the Spaniſh dominions in America: the late Abbot du Bos has plainly demonſtrated this propoſition. In the next place, ſuppoſe this conqueſt is made, ſuppoſe the Spaniards are driven from all their maritime places, and the conqueror has penetrated into the country and ſubdued the Americans. On this ſuppoſition, they who have any knowledge of the government of the Spaniards in the new world, of the ſtate of their forces and the nature of the country will agree that ſuch an undertaking will coſt the victorious nation prodigiouſly dear. There will be a neceſſity to keep the vanquiſhed under, and not to ſee a revolt in their new empire, as many troops at leaſt muſt be ſent as the Spaniards actually have there. Now it may be aſked, what power would not be drained by ſuch ſucceſſes? The conqueſt of the Spaniſh Indies will therefore ruin the nation that ſhould make it, and would conſequently cauſe no alteration in the affairs of Europe. For it little concerns trading ſtates, that Peru, Mexico, and Chili, are in the hands of the Spaniards or any other nation, provided the poſſeſſors of thoſe kingdoms are ſo weakened, that they cannot of themſelves carry on the trade.

What would produce a great revolution among us is, if America ſhould throw off the Spaniſh yoke and be governed by its own laws; very probably, the rebels to bribe the Europeans not to aſſiſt the Spaniards againſt them, would open all their ports and pour forth their riches; but this would be a tranſient proſperity. The Americans would ſoon have our arts, and manufactures; their lands would produce our fruits, and conſequently having no occaſion for our goods and merchandizes, Europe would ſink again into the ſame ſtate of indigence in which it lay about four centuries ago.

Happily there is not the leaſt appearance of ſuch an event, the dominion of the Spaniards as mild now as it was formerly terrible, is eſtabliſhed over the natives of the country. The ſpirit and manners of the Spaniards have paſſed into America, and the government of Madrid is ſettled in ſuch manner, that a viceroy of the Indies cannot think of making himſelf independent, though nature ſhould have given him the ambition and talents of a Sylla, a Cæſar, or a Cromwel. America was ever attached to its duty during the war of 1701, if there were in thoſe vaſt kingdoms any ſeeds of rebellion, they ſprung up doubtleſs at the time when two

princes were contending for the ſucceſſion of Charles II. and when neither of them had an abſolute authority. The inquiſition is likewiſe a ſtrong fence againſt revolutions; it accuſtoms people to think always the ſame way, and unites them by the ſame faith; and in a monarchy like the Spaniſh, where the prince holds in his hands all the forces of the ſtate, diviſions and troubles can ariſe only from difference of opinions in religion, who can ſay, that if the doctrines of Luther or Calvin ſhould creep into Spain, they would not have the ſame conſequences as heretofore in Germany and France.

Spain ſeems by the form of its government to be ſecured from all revolution. But there ſometimes ariſe in the body politic unforeſeen maladies, the rapid progreſs whereof no remedies can ſtop. Hiſtory affords a thouſand events, perhaps more extraordinary than the revolution in queſtion; we ourſelves were very near being witneſſes of a remarkable one, if it is true; that in the diſtreſſes of the war of 1701. Philip I. reſolved to abandon Spain to his rival, and go with his court to the Weſt Indies, and eſtabliſh the ſeat of a new empire.

By this ſhort ſketch upon trade, it may be perceived that it forms a too conſiderable object not to be neceſſarily regulated by laws. This is a thing of immenſe extent. Conventions of little importance will not be mentioned, ſuch as can only cauſe proceſſes among private perſons and are cognizable only by the judges of the admiralty. But after a particular account of what concerns the common law of nations at ſea, and the general terms which ſerve for a baſis to all the treaties of trade and navigation, the mutual engagements ſhall be related, which the powers of Europe have entered into.

GENERAL CONVENTIONS, CONCERNING TRADE AND NAVIGATION.

The merchant ſhips forced, by a ſtorm or other accident into a port, pays cuſtoms only for the goods they land, and are free not to unload but what they think fit. As to men of war, it is cuſtomary to ſettle the number of thoſe that may enter into a port which number is generally ſix. However if a larger ſquadron is forced for ſome weighty reaſon to take ſhelter, the governor is to be informed of the place it intends to come to, the cauſe of its arrival, and the time it deſigns to ſtay.

Maſters of ſhips, pilots, ſailors, are not to be detained nor their ſhips and goods to be ſeized, by virtue of any general or particular order, on any account whatſoever of war,

or otherwiſe, not even under pretence of being ſerviceable in defence of the country. The ſeizures however and arreſts of juſtice in the uſual forms for debts, bonds, and contracts are excepted.

In caſe of war, it is allowed to trade with the contending powers, with an exception of all contraband goods; by which are meant all things uſed in war, offenſive or defenſive; but not thoſe things which ſerve for the ſuſtenance and ſupport of life. In general all commerce whatſoever is prohibited with a place beſieged or blocked up.

A ſhip is not to go to ſea without teſtimonials, paſſports, and certificates, declaring the name of the ſhip and its port, the habitation of the maſter or captain, the ſorts of its cargo, the country from which it comes, and to which it is bound, that it may be known whether it carries any prohibited goods, and that frauds may be prevented. Generally a form is agreed upon for the teſtimonials, paſſports, and certificates, and who ſhall deliver them.

When one ſhip viſits another, it muſt not come within gun-ſhot of the other, but ſend a boat with two or three men, to whom the maſter ſhall produce his paſſports, and teſtimonials, to which all manner of credit is to be given. If any prohibited goods are found, they ſhall be forfeited, but not the ſhip or the reſt of the cargo, unleſs the maſter of the ſhip throw his papers over board, or refuſes to lower his ſails.

When the United Provinces were contending with Spain for their liberty, they publiſhed an ordinance declaring that every ſhip which ſhould be met ſailing to any port of Spain, ſhould be good prize. No one complained of this conduct, either, becauſe the moſt conſiderable powers of Chriſtendom were at war againſt Spain; or becauſe the veſſels of the States-General reſpected the ſhips of the nations, who were able to avenge themſelves of any violences committed againſt them. The 22d of Auguſt, 1689, England and Holland ſigned a treaty at Whitehall, by which they agreed to notify to all the States who were at war with France, that they ſhall attack and declare as good prize, all ſhips going or coming from any port of that kingdom. The neutral powers thought this treaty contrary to the uſual cuſtoms. The Swedes and Danes, ſome of whoſe ſhips were taken, complained of it in vain, but making a league the 17th of March, 1693, to obtain a ſpeedy and juſt ſatisfaction, they were going to commit hoſtilities when the reſtitutions demanded were granted them.

It is prohibited to ſeize the contraband goods found in a ſhip, before an inventory is made by the judges of the admiralty,

ralty, unleſs the maſter conſents to deliver them in order to purſue his voyage.

A nation may confiſcate all the effects of a neutral power found on board an enemy's ſhip, if the lading was not made before the declaration of war, or within a certain term agreed on. Theſe terms are a month for the Baltic and North Sea, from the Naz in Norway to the Channel; and ſix weeks from the Channel to Cape Vincent; from thence to the Mediterranean, and to the Equinoctial Line ten weeks; and eight months beyond the Line. In this manner it is generally agreed by England, France, Holland, Spain, and the Hanſe towns. The northern powers aſſign other terms in their treaties, and all the difference conſiſts in eight, twelve, or fourteen days more or leſs, according to the diſtance of the ſeas.

However if a cargo laden before the declaration of war is within the preſcribed terms, contains contraband goods they are ſeizable upon payment of their value, or elſe the maſter of the ſhip ſhall bind himſelf to bring a certificate, to prove that he has not landed them in an enemy's country.

In the treaties of commerce, liberty is always granted to the ſubjects of the parties to carry all the merchandizes to one anothers ports that are not prohibited by law, with a clauſe of forfeiture for the reſt. The merchants are protected, and that they may not be moleſted, there ſhall be at the cuſtom houſes tariffs, or books of rates for all the duties upon imports and exports. They ſhall have liberty of conſcience, and may make uſe of ſuch lawyers, proctors, notaries, and ſollicitors, as they ſhall think fit, and may keep books of trade and correſpondence in what language they pleaſe. If it is neceſſary that theſe books ſhould be produced to deſide any proceſs, the judge ſhall take cognizance only of the articles concerning the affair in conteſt, or which ſerve to eſtabliſh the credit of the books.

A prince always ingages to forbid under ſevere penalties, all his ſubjects taking commiſſions or letters of repriſals, from any ſtate at enmity with the power he is treating with. He promiſes alſo not to grant letters of repriſals, but in caſe of denial of juſtice; and this denial is not to be held valid, unleſs the petition of him who demands repriſals be communicated to the conſul of the prince, againſt whoſe ſubjects they are to be granted, that he may juſtify or give ſatisfaction within ſuch a time. The injuries or damages committed by private perſons contrary to the tenor of the treaties, ſhall not diminiſh their force; but the offenders ſhall be puniſhed and obliged to make reparation.

If a ſhip is driven by ſtorm or otherwiſe on the coaſts, whatever ſhall be ſaved of the wreck, ſhall be reſtored to the owners provided they pay the charges of ſalvage, and make their claim within a year and a day. Neither party is to receive pyrates or exiles, it is uſual for the maſters or commanders of an armed ſhip for war or cruiſe, to give ſecurity before they ſail, to repair the damage that may be done by them whilſt at ſea contrary to the treaties.

In caſe of a rupture it is alſo agreed, that the ſubjects of the parties ſhall be allowed a certain fixed time after the declaration of war (generally ſix months) to retire and withdraw, or ſell their effects; till the expiration of the term they are to enjoy full liberty.

Without this convention, which is of no long ſtanding, the merchants would never be eaſy; at the leaſt appearance of a war they would haſtily withdraw their effects in order to avoid their ruin; and it is very viſible how detrimental to commerce ſuch interruptions would be.

What protection ſoever the trading powers grant their merchants, it falls very ſhort of the end preſcribed by their intereſt. Why ſhould two contending nations immediately prohibit all mutual commerce? this ſeems to be a relict of *Barbariſm*, or rather the effect of a cowardly perſwaſion that the reception of the ſubjects of an enemy is dangerous. It is imprudent no doubt, to grant them in time of war, the ſame freedom they enjoyed during peace; but what inconvenience would there be for two nations to allow one or more free ports for the merchants to reſort to? the intention in prohibiting trade is to annoy the enemy, but ſurely the prohibiter does himſelf conſiderable damage; there is no ſtate but what feels this want of circulation. The merchants are over-ſtocked with goods which decay in their warehouſes, manufactures languiſh, and the manufacturers which make the riches of a country, are a charge to it; the products of the land are loſt for want of conſumption. Beſides if the commerce turns upon neceſſary goods, it will continue in contraband, in ſpite of all prohibitions, and the ſtates will find themſelves diſappointed of the fruit of their cuſtoms.

This grievance ſo fatal to merchants and ſo univerſally felt in its conſequences, cannot be redreſſed, before another ſtill more pernicious and which increaſes without neceſſity the calamities of war, be aboliſhed; namely, the cuſtom of exerciſing of pyracy upon the merchantmen, the moment a war is declared. How is it that nations who, conſider trade as the moſt ſolid foundation of their grandeur, and uſe ſo many

many efforts to extend their correſpondences, have not to this day diſcovered, how advantageous it would be to them, to agree upon ſome articles proper to ſecure the navigation of their merchants in time of war? Aſk the Dutch, and the trading part of the Engliſh, Spaniſh, and French nations; and their anſwer will be the ſame. They behold with horror the privateers, and would with the greateſt ſatisfaction hear the contending powers, would not for the future permit their ſubjects to exerciſe pyracy, nor their ſhips of war to inſult and take the merchantmen.

How advantageous this would be to the Spaniards and the Dutch, is viſible to any one who is the leaſt verſed in theſe matters. And it would not perhaps be very difficult to prove, that it would be alſo the intereſt of the Engliſh and French, to ſuffer trade to be carried on under proper reſtrictions during war. But this would be too long a digreſſion, and therefore to return to our ſubject.

It may be obſerved that the treaties of commerce may be ranked under two claſſes. The firſt claſs, which are not made for any limited time, are laws which cannot be abrogated without the mutual conſent of the contracting parties. The other claſs are particular conventions for a certain term of years, which loſe all their force, if at the expiration of the term preſcribed, they are not renewed by a freſh treaty. Of theſe there will be no farther mention at preſent, but the firſt claſs ſhall be fully handled in the following ſections.

PORTUGAL, RELATIVELY TO ENGLAND, TO THE UNITED-PROVINCES, TO SPAIN, AND TO FRANCE.

'The ſubjects of England and Portugal ſhall be treated 'in one another's countries as the natives. They ſhall en- 'joy all the privileges and franchiſes that ſhall be granted 'to the moſt favoured nation. The Engliſh ſhall trade with 'all ſorts of merchandizes in all the dominions, the king 'of Portugal poſſeſſes in Europe.' Art. 3. 4. 15.

This treaty concluded at London in 1642, between England and Portugal, was made as appears by the date when the Portugueſe had thrown off the Spaniſh yoke. If the union of their crown with that of Caſtile, was the cauſe of the loſs of a great part of their ſettlements in both the Indies and in Africa; it may be ſaid that the revolution which advanced the houſe of Bragança to the throne, completed the ruin of their trade. To gain friends, the king of Portugal made treaties contrary to his intereſt, and his allies afterwards taking advantage of his diſtreſſes, ſcrupled not to ſtretch their privileges far beyond the bounds they had agreed on.

T. Lif. 'The papers, accounts, merchandizes, and other effects 'of the ſubjects of England dying in the dominions of Portugal, ſhall not be ſeized by the judges of the orphans and 'abſent; but they ſhall be remitted to factors or merchants 'who ſhall return them to the lawful heirs, or thoſe that 'have a right to them.

Art. 13. 'The Engliſh (by which word is meant, all the ſubjects 'of the king of England, except thoſe who are ſettled in 'their colonies) ſhall continue to trade freely in the lands, 'places, caſtles, ports, and coaſts of Africa, Guinea, Binc, 'the Iſle of St. Thomas, &c. where it ſhall be proved that 'they had any traffic in the time of the kings of Caſtile and 'at preſent, and they ſhall pay no higher duties than the 'allies of Portugal.

Art. 11. 'The Engliſh ſhall be allowed to continue their commerce with the enemies of the Portugueſe, and to carry 'arms and war-like ſtores, provided they do not take them 'from any port of Portugal.

Art. 17. 18. 'The Engliſh ſhall not be moleſted on account of religion in they territories of his Portugueſe majeſty, but they 'ſhall behave with prudence and reſerve. In caſe of a breach 'between the two parties, neither the perſons nor goods of 'the merchants ſhall be ſeized. Both ſides ſhall be allowed 'two years to ſell, or withdraw their effects, and to retire 'where they pleaſe.

'The king of Portugal promiſes in his own, and the 'name of his ſucceſſors, to admit for ever hereafter, into 'Portugal the woollen cloths, and the reſt of the woollen 'manufactures of Britain, as was accuſtomed till they were 'prohibited by the laws, nevertheleſs upon this condition, 'that the wines of the growth of Portugal ſhall be admitted 'into Britain, ſo that at no time (whether there be peace 'or war) any thing more ſhall be demanded for theſe wines 'by the name of cuſtom or duty, than what ſhall be demanded from the like quantity or meaſure of French wine, 'deducting or abating the third part of the cuſtom or duty.'

This ſhort treaty conſiſting of three articles was concluded at Liſbon, the 27th of December, 1703, between Great Britain and Portugal. Notwithſtanding this treaty, it was agreed by queen Anne's miniſtry in their intended treaty of commerce with France, that the duties on French wines ſhould be no higher than thoſe on Portugueſe wines, by which means the trade of England with Portugal would have been entirely ruined. But the treaty was rejected by the parliament.

T. Hap. For. Hol. 'The ſubjects of the United-Provinces ſhall enjoy all 'over Portugal, the rights and privileges granted to the

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'English, or that shall be granted hereafter by any treaty
'or by virtue of any custom whatever.'

This treaty of the Hague the 6th of August, 1661, between Portugal and Holland has been spoken of in the third chapter; by it was ended the war which the Dutch declared against Portugal, after having been driven out of Brasil.

'The United-Provinces shall be free to carry on in Brasil Ibid. 3.
'all sort of commerce except Brasil wood.'

Brasil wood belongs to the king of Portugal, who alone trades in it and gains by it a large yearly sum. The commerce of Brasil is carried on by the Portuguese vessels. Foreigners are not suffered to send ships thither, and the king cannot even grant them that privilege since his treaty with Spain, at Utrecht in 1715. The Europeans that send their goods to the bay of All Saints, to Pernambuco, or to Rio-Janeiro, are obliged to load them in the ports of Lisbon or Oporto, and to borrow the name of some Portuguese merchant.

The Dutch were not much concerned at being deprived of the liberty of trading directly to Brasil without passing by Portugal. They reaped no advantage by it, not only because the freight paid at Lisbon and Oporto for the passage of the merchandizes to Brasil, is a trifle. The Portuguese give their sailors very small wages, and they live at sea with great sobriety, which enables them to send their goods much cheaper to the colonies than foreigners could do.

'The king of Portugal consents that the Dutch shall Ibid. 4.
'trade in all the places of Africa, where the English have
'extended their traffic. They shall be allowed to settle there
'and have houses and magazines.

'The Dutch shall trade with all sorts of merchandizes in Ibid. 7. 21.
'the kingdom of Portugal; they shall be treated as the natives, and shall pay no higher duties for exports and imports than what is customary in May, 1753. The Portugueſe shall enjoy all the privileges allowed to the subjects themselves of the states-general.

'The Dutch shall not be *Aubains* in the dominions of 10.
'Portugal, that is to say, in case of death their effects shall
'not be seized by the judges of the orphans and absent.

'The conditions stipulated by the English and Portuguese 22.
'in the 11th, 17th and 18th articles of the treaty of London, shall be agreed upon in favour of the Dutch in the
'12th, 15th and 16th articles of the treaty of the Hague.
'The Portuguese shall enact no contributions of the Dutch
'for the maintenance of the chapel of St. George.

'The commerce shall be settled between Spain and Por- T. Lis. Sp. Por. 1668.
'tugal on the same foot, it stood before the re-union and in 3. 4.

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'the reign of Don Sebaſtian. The Portugueſe ſhall enjoy 'in the Spaniſh territories in Europe, all the privileges 'granted to the Engliſh by the treaty of Madrid the 23d of 'May, 1667. The Spaniards ſhall not be treated leſs fa-'vourably in the kingdom of Portugal.'

This treaty of Liſbon the 13th of February, 1668, between Spain and Portugal, put an end to the war, which the Portugueſe had waged ſince 1640 for the recovery and defence of the liberty.

T. Utr. Sp. Por. 13. 'Spain reſigns to the king of Portugal the colony of the 'Sacrament, ſituated on the north-ſide of La Plata, on 'condition that he will not ſuffer there any foreign com-'merce. The Portugueſe ſhall not trade in any manner 'with the Spaniſh America, nor countenance the foreigners 'who ſhould ſend thither any merchandizes.

Ibid. 17. 21. 'The treaty of Liſbon of the 13th of February 1668, 'ſhall be maintain'd in full force.

'The king of Portugal grants to the merchants of Spain, 'and the king of Spain to the merchants of Portugal, all 'the advantages and privileges hitherto granted or that ſhall 'hereafter be granted to the moſt favoured nation. The 'two kings reſerve to themſelves alone and for their ſub-'jects, the right of trading in their reſpective dominions 'both in the Indies and in America, excepting the Aſſiento-'contract concluded between Spain and Great-Britain, the '28th of March, 1713.

'In caſe of a breach between the two crowns, their re-'ſpective ſubjects ſhall be allowed ſix months to withdraw 'their effects where they pleaſe.

T. Utr. Fr. Por. 5. 6. 'Trade ſhall be carried on in France and Portugal in 'the ſame manner as it was before the war of 1701, and 'the ſame privileges which the French enjoy in Portugal 'ſhall be granted to the Portugueſe in France.'

The 1ſt of June 1641, Lewis XIII. and John IV, king of Portugal, concluded at Paris a treaty of alliance, wherein it was ſtipulated in the 7th and 8th articles, that commerce ſhould be ſettled between the two nations upon the ſame foot, it was in the time of antient kings of Portugal, and that their ſubjects ſhould export reſpectively from their dominions, all the goods and merchandizes they ſhould want, paying only the ſame duties as were paid by the moſt favoured nation.

Ibid. 12. 6. 15. 'The king of France ingages not to ſuffer his ſubjects of 'La Cayenne, or others to trade in La Maragnan, or in 'the mouth of the river of the Amazons; he ſhall forbid 'them to paſs the river of Vincent Pinſon. On the other

'hand,

hand, all commerce in La Cayenne ſhall be prohibited to the Portugueſe.

'For the convenience of their trading ſubjects the parties ſhall ſettle conſuls to one another's kingdom, with the ſame privileges and liberties as thoſe of France uſed to enjoy in Portugal.'

In caſe of a breach between the French and Portugueſe, they ſhall have ſix months to withdraw their effects and ſettle where they think fit.

SPAIN, RELATIVELY TO THE UNITED-PROVINCES, TO FRANCE, TO ENGLAND, TO THE COURT OF VIENNA, TO TUSCANY, TO THE HANSE-TOWNS.

'The Spaniards ſhall keep their navigation to the Eaſt-Indies, in the ſame manner as they hold it at preſent, without the power of extending it farther; and the merchants of the United-Provinces ſhall not frequent the places which the Caſtilians have in the Eaſt-Indies.' T. M. Sp. Hol. 5.

This is part of the 5th article of the treaty of Munſter, in 1648, between Spain and the United-Provinces, which deſerves a particular attention. The maritime powers alledged it as an inconſiſtable bar to the emperor Charles VI, when he attempted to eſtabliſh in the Auſtrian Netherlands an Eaſt-India Company. The emperor at firſt was ſatisfied with giving leave to ſome Flemiſh and Brabant merchants to go and trade to the Indies at their own peril and fortunes. This made the Engliſh and Dutch very uneaſy; but the loudeſt complaints came forth, when by his letters of grant, the company was going to be firmly eſtabliſhed.

It is certain, the emperors pretenſions were not well grounded. It had been ſtipulated in the treaties of Utrecht, and in that of the Barrier concluded at Antwerp, in 1715, that the emperor ſhould poſſeſs the Spaniſh Netherlands only with ſome rights and privileges, as Charles II. had enjoyed them. Now Charles II. could not in his demeans eſtabliſh an Eaſt-India company; how then could his ſucceſſor aſſume ſuch a privilege?

Though Charles VI. could have juſtly defended his Oſtend company, it is probable, ſuch an eſtabliſhment would have kindled a war over all Europe. On this occaſion, the conduct of the Engliſh and Dutch may be remembered,

bered, when Denmark attempted in 1728 to form a new East-India company at Altena. The maritime powers forbid his subjects to be concerned in the scheme, and considered it as a rupture on the part of the Danish king; they notified to him that 'the establishment of an East-India company at Altena was prejudicial to the trade of England and Holland, and very repugnant to the rules of friendship, and to the regard which princes and states are wont to have for each other.' It was added, that 'the king of Great-Britain and the states-general would not dispense with opposing this establishment by all the just means consistent with the law of nations. But they hope that his Danish majesty, according to his great wisdom and equity, will reflect on the inconveniencies which result from his undertaking, and which might create fatal misunderstandings.

T. M. Sp. Hol. 6. 8. 'The Dutch shall forbear sailing to or trading in the demeans of the king of Spain out of Europe, whether the places are fortified or not. All commerce is equally prohibited to the Spaniards or the coasts in the harbours, ports and places possessed by the Dutch in the Indies and in America. The Spaniards consent likewise not to traffic in the places of Brasil, which the Portuguese (in 1641) took from the Dutch, and which they now hold, so long as they shall continue in the hands of the Portuguese.

T. Utr. Sp. Hol. 14. 'The subjects of the king and the states trading in the dominions of either, shall not pay higher duties than are paid by the natives of the places. The imports established by the court of Madrid, during the twelve years truce shall be established.'

The 3d of July 1667, the Dutch merchants obtained the privilege of carrying into the dominions of Spain all sorts of India goods and merchandizes, after proving they came from their conquests, factories and colonies. It must be observed, the treaty of Munster does not regard only the kingdom of Spain, but also all the provinces that were taken from it by the peace of 1713, and which are possessed by the court of Vienna and the king of the two Sicilies. The following articles relate only to the commerce between Holland and the demeans of the house of Austria in the Netherlands.

T. M. Sp. Hol. 9. 10. 'The king of Spain and the states-general shall not levy beyond their respective limits any duties or gabels for export or import, on any other account upon goods in their carriage by land or water. Their subjects shall continue

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'to enjoy the ſame immunity from tolls, they were poſſeſſed
'of before the beginning of the war.

'The king of Spain ſhall take off all the tolls along the Rhine and the Maeſe, which before the war were under the juriſdiction and within the diſtrict of the United-Provinces, and particularly the toll of Zealand; provided however that the proprietors of theſe tolls do pay the annual rents that were mortgaged before the year 1572. T. M. 12. 14. 15. 18. 19.

'White boiled ſalt imported into the king of Spain's dominions from the United-Provinces, ſhall pay no other duty than bay-ſalt; and ſalt carried from the Spaniſh provinces to thoſe of the ſtates-general that pay no more duty than their own.

'The different branches of the Scheld and the canals of Gas and Zwyn and other inlets to them from the ſea belonging to the ſtates ſhall be ſhut up.

'Ships and goods paſſing from the ports of London ſhall continue liable to the ſame duties as thoſe pay which go up and down the Scheld or the foremention'd canals.' T. Utr.

'The ſubjects of the two parties ſhall behave with prudence and modeſty to one another with reſpect to the public exerciſe of religion. Decent burying places ſhall be appointed by the king of Spain for the ſubjects of the United-Provinces, that ſhall die in his dominions. Sp. Hol. 27, 28. T. M. 21.

'An equal number of judges that be appointed on each ſide to reſide in the Netherlands, ſometimes in places under the ſtates and ſometimes in places ſubject to Spain. They ſhall have regard to their trade of the inhabitants of the Low-Countries, and to the duties which on both ſides ſhall be laid upon merchandizes. This tribunal ſhall examine into the breaches of this treaty in the Netherlands and the reſt of Europe; and ſummarily and fully determine therein; and their ſentences and determinations ſhall be ſpeedily executed by the ordinary judges where the breaches are committed. T. M. 16.

'The Hanſe-Towns with all their inhabitants ſhall enjoy as to trade and navigation in the dominions of Spain all the privileges that are now granted or ſhall hereafter be granted to the ſubjects of the United-Provinces. And the inhabitants of the United-Provinces ſhall have the ſame rights as the Hanſe-Towns have obtained for the eſtabliſhing of conſuls in the capital and maritime towns of Spain. They ſhall alſo enjoy all the immunities that the Hanſe-Towns ſhall obtain after concluſion of this treaty.'

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'The treaty here mentioned was concluded between Spain and the Hanſe-Towns at Munſter the 11th of September, 1647. It would be needleſs to ſay any more of it, as it contains nothing material beſides the ſettling of conſuls in the territories of Spain. The Hanſe-Towns ſigned alſo a treaty at Munſter the 3d of May, 1648. It runs upon objects of little importance.

Philip V, and the ſtates-general confirmed in 1714, the treaty of Munſter, in 1648, as may be ſeen in the 10th article between Spain and the United-Provinces.

T. Utr. Sp. Hol. 17. 22. 'The merchants of the United-Provinces and their conſuls ſettled in Spain, ſhall enjoy all the privileges granted to the Engliſh, the French, and the moſt favoured nation. The Spaniards ſhall have the ſame favour in the territories of the United-Provinces.

Ibid. 16. 'When the ſubjects of the two parties that have once paid the duties of import according to the tariffs, they ſhall not be obliged to pay again in exporting their merchandizes from one province to another of Spain or of Holland.

Ibid. 29. 'The king of Spain ſhall preſerve to the ſubjects of Holland the power of having judge conſervators in all the trading towns of his kingdom, where they had them in the time of Charles II. and even where other nations now have them.

Ibid. 25. 26. 31. 'The Dutch dying in Spain ſhall not be Aubains, their effects ſhall be remitted to their heirs. The ſubjects of the two powers ſhall inherit each other by will or birth.

'The king of Spain ſhall not permit any nation of Europe to trade to his American dominions, and upon occaſion the United-Provinces promiſe to aid him with all their forces againſt any power that ſhall attempt to trade thither.'

It is not to be doubted that it is the intereſt of the king of Spain, that all commerce to the Spaniſh Weſt-Indies ſhould be carried on by the Way of Cadiz. By permiting foreigners to go directly to Mexico or Peru, he would be deprived of part of his revenue, and perhaps even ſhake the foundations of his empire in America. All the trading powers who treated at Utrecht with Philip, required the ſame ſtipulation as may be ſeen, in the 8th article of the treaty of Great-Britain, and the 17th of that of Portugal. It is feared that in time ſome extraordinary circumſtance may happen which might authorize the miniſtry of Spain to think it convenient to permit ſome nation to trade to America.

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This would be ſo great a misfortune that it has been deemed neceſſary to obviate it, however remote or even chemerical it may ſeem. Indeed, if the liberty of commerce to the Spaniſh Weſt-Indies was granted to a nation, it is not to be queſtioned but that nation would in a ſhort time engroſs the whole traffic and riches of Europe.

Spain has faithfully obſerved hitherto her engagements; but the ſame cannot be ſaid of other ſtates: it is known how many interlopers there are in the pacific ocean and the ſea of Mexico. The Engliſh cannot conceal that their contraband trade in the Weſt-Indies is the richeſt branch of their commerce. They ſtrangely abuſed the permiſſion of the South-ſea ſhip, granted by the Aſſiento contract; and Jamaica is a general ware-houſe, from whence they clandeſtinely ſend their goods to the places where they have artfully got correſpondents. The court of Madrid has often complained of this breach of the treaties without obtaining any ſatisfaction. The conteſts of the Spaniſh gard de coſtas and the contraband Engliſh veſſels became a ſort of open war, wherein exceſſes were committed on both ſides. To ſtop the diſorder, a convention was ſigned at Pardo in 1739, founded on the antient treaties, of which ſome articles were explaind and commented upon. This negotiation was fruitleſs, the parliament of England diſapproved of the convention of Pardo, all the nation exclaimed as if they had been robbed of one of their privileges; and the miniſtry, forced to give way to the torrent, declared war againſt Spain, the event of which is well known.

'The commerce of the United Provinces and of the T. Utr. Sp. Hal. 34. 36.
'places held by the ſtates-general in the Eaſt and Weſt-
'Indies, ſhall continue upon the ſame foot as at preſent.
'As to the trade of the Canary iſlands, the laws and cuſ-
'toms eſtabliſhed under Charles II. ſhall be obſerved.

'In caſe of a breach between Spain and Holland, their
'ſubjects ſhall be free for one year to ſell their effects or
'withdraw them where they pleaſe.

'The ſubjects of France in all the dominions of Spain, T. Pyr. 6. 7. 26. 22. 24.
'and the ſubjects of Spain in France, ſhall be treated as the
'moſt favoured nation; paying only the ſame duties as the
'Engliſh and Dutch.

'The parties ſhall have power to ſettle conſuls in each
'others dominions.

'The ſubjects of each party ſhall have liberty to ſell,
'give, change, alienate or otherways diſpoſe of, as well by
'deed as by will, goods, effects moveable or immoveable

'that

'that they ſhall poſſeſs in the dominions of the other party. 'Every one ſhall be free to purchaſe them, ſubject or not 'ſubject, without any other permiſſion whatſoever than the 'preſent treaty.

'In caſe of war between Spain and Holland, ſix months 'ſhall be allowed to retire with their effects.'

It is to be obſerved that the king of the two Sicilies, is bound by the Pyranean treaty as ſucceſſor of Philip IV. The ſame muſt be ſaid of the empreſs queen of Hungary, who poſſeſſes in Italy and the Netherlands ſeveral demeans, for which Spain has ſtipulated in the treaty of the Pyrances.

At the peace, 1714, the plenipotentiaries of France ſhould have expreſsly confirmed, in the treaties of Radſtad, and Baden the Pyranean, as the court of Vienna was bound by it. They were contented to do it implicitely, by agreeing that the ſubjects of the emperor and moſt chriſtian king, ſhould continue to enjoy, in point of commerce, all the privileges they were poſſeſſed of; as appears in the 34th article of theſe treaties. France and Spain ſettled nothing with reſpect to trade in the treaties of Aix-la-Chapelle, Nimeguen and Ryſwic; they only revived the articles of the Pyranean treaty.

'The Engliſh ſhall pay in the territories of Spain no 'high duties of export and import than the Spaniards them- 'ſelves, and they ſhall enjoy all the inmmunities and prero- 'gatives granted to France, the United Provinces and the 'Hanſe-towns.'

This is the 5th and 38th articles of the treaty of Madrid, concluded the 23d of May, 1667, between Spain and England, which treaty they confirmed in the peace of Utrecht, 1713.

Mad. Sp. Eng. 1667. 7. 8.

'The Engliſh ſhall be permitted to carry into Spain all 'ſorts of merchandizes of the growth of their kingdom and 'of their colonies. They ſhall alſo traffic there with Eaſt- 'India goods, proving by the teſtimony of their Eaſt-India 'company that they came from the Engliſh factories. As 'to America and the other countries out of Europe and 'ſubject to Spain, the ſame privileges are granted to the 'Engliſh merchants as were granted to the Dutch by the 'treaty of Munſter.'

That is to ſay, the liberty of trading thither was denied them. This treaty of Madrid of 1667, was ſtill more preciſely expreſſed in a treaty between Spain and England, ſigned at Madrid the 8th of July, 1670, which ended the hoſti-

lities of their ſubjects againſt one another in America. It is there ſaid that 'each king ſhall forbear to navigate in the 'ports, Havens, Roads, &c. which the other poſſeſſes in 'America. But if a ſhip of one party is forced by a ſtorm, 'or other accident, to ſeek refuge in the ports of the other, 'the crew ſhall be well received and provided with what 'they ſhall want.'

This treaty of 1670, is alſo confirmed by the treaty of commerce concluded at Utrecht between Spain and England. 'The Spaniſh or Engliſh ſhips in their reſpective dominions, Ibid. 10. 'ſhall not be viſited by the judges of contraband, or by any 'other perſon whatever. No ſoldier or officer ſhall be put 'on board, till after the maſter of the ſhip ſhall have un- 'loaded the merchandizes or declares he does not intend to 'land.'

This article has been cited as exempting the Engliſh from being liable to the ſearch of the Spaniſh gard de coſta, but it is an evident miſtake. For it is plain that the queſtion here is only about the countries where the trade is allowed.

It is the cuſtom in England, that a foreign merchant pays Ibid. 3. Tr. no duties of export when he reſhips the goods he has im- Utr. 3. ported. He is alſo repaid half the duties of import which he has paid, if his return be within a year after his arrival, ſo every Engliſhman who having unloaded his effects in any place of Spain, ſhall load them again to carry them to any Spaniſh port without paying any duty.

'The conſuls of the two parties ſhall be treated as thoſe T. Mad. 'of the moſt favoured nations. The Engliſh ſhall not be 27. 28. &c. 'moleſted on account of religion; they ſhall have a burying 'ground in the principal cities of Spain, they ſhall not be 'liable to the law of Aubaine; and the Spaniards ſhall en- 'joy the ſame privilege in England. In caſe of a declaration 'of war between Spain and England, their ſubjects ſhall 'have ſix months to retire with their effects.

'The exerciſe of navigation and trade to the Weſt-Indies T. Utr. Sp. 'ſhall remain upon the ſame foot as in the reign of Charles Eng. 8. 9. 'II. Spain ſhall not ſuffer any ſtate to carry merchandizes 'to her American dominions, and engages not to reſign, 'ſell or alienate any part thereof.'

The inhabitants of Guipuſcoa ſhall preſerve their right of 15. fiſhing round the iſle of Terra-nova.

The Aſſiento-treaty comes under the ſecond claſs of treaties, being only for 30 years, from 1713 to 1743, and therefore will not be enlarged upon here, nor the treaty of

commerce concluded at Utrecht between England and Spain, nor that ſigned by the ſame princes at Madrid the 14th of December 1710.

The 13th of June 1721, the differences of Spain with France and England, were entirely ended by a treaty of peace and alliance concluded at Madrid. Philip V. confirms in the 6th article, all the privileges which the Engliſh and French enjoyed in his dominions by virtue of former treaties. The treaty of Seville of the 9th of November, 1729, in the 4th article makes the ſame diſpoſitions.

The treaty of commerce between the emperor Charles VI. and the king of Spain, at Vienna, 1725, ſhall not be mentioned, as being annulled. The emperor renounced his Oſtend company; the king of Spain on his part declared in the treaty of Seville, that in contracting with the emperor, in 1725, he did not pretend to derogate from his former ingagements. Beſides, this treaty is not confirmed in thoſe of Vienna the 22d of July, 1731, and of the 18th of November, 1738. It may perhaps be pretended that the articles relating to the trade of the Weſt-Indies remain in force.

'The merchants of Tuſcany ſhall be maintained in Spain, 'in the poſſeſſion of the ſame immunities and privileges as 'thoſe of the moſt favoured nations.'

This is the 5th article of the treaty of Florence the 25th of July 1731, between Spain and the Grand Duke.

FRANCE, RELATIVELY TO ENGLAND, TO THE UNITED-PROVINCES, TO THE CITIES OF LUBEC, BREMEN, HAMBURG, TO THE EMPIRE, TO THE HOUSE OF AUSTRIA, TO THE COURT OF TURIN, TO THE SWISS CANTONS.

'The ſubjects of England may freely bring and ſell in 'France all ſorts of ſilk and woollen ſtuffs of their own 'fabrication. The French ſhall be allowed to trade in 'England, Scotland and Ireland with their wines and all 'ſorts of wares of their own growth.'

T. Weſt. S. This is the 5th article of the treaty of Weſtminſter, concluded the 3d. of November, 1655, between France and Cromwell, who then governed England, in order to end ſome differences between the two nations concerning trade.

'The French merchants ſhall not pay any more in the 'ports

'ports of England the duty called "head money," nor 'shall the Engliſh be liable to that called "l'argent du "chef."

This ſame ſtipulation is inſerted in the 8th article of the treaty of trade and navigation ſigned by Lewis XIV. and queen Anne at Utrecht the 11th of April, 1713.

'The Engliſh ſailing to Bourdeaux by the Garonne, 11.
'ſhall not be obliged to take out their guns and arms at the 'caſtle of Blaye.

'The Engliſh dying in France may diſpoſe of their ef- 12.
'fects by will, gift or otherwiſe, without being liable to 'droit d'Aubaine."

"The inhabitants of Jerſey and Guernſey ſhall enjoy the 13.
'ſame privileges in France as the French do in thoſe iſlands.

'In caſe of a war, the merchants ſhall have ſix months 'to ſettle their affairs and remove their effects.'

By the 4th and 6th articles of the treaty of Breda, con- 26.
cluded the 31ſt of July, 1667, France and England agreed, that the liberty of trade and navigation ſhould be eſtabliſhed upon the antient foot, and that all the edicts and arreſts, which one of the parties had publiſhed in prejudice of the other, ſhould be annulled. The ſame ingagements only were renewed by the treaty of peace, ſigned at Ryſwick the 20th of September, 1697.

'The king of France promiſes that he will not endea- T. Utr.
'vour to obtain any uſage of trade and navigation to Spain Eng. Fr. 6.
'and the Spaniſh Indies, than what was practiſed in the 'reign of Charles II. or ſhall be granted to other nations.'

This article is inſerted not only in the treaty at Utrecht, Ibid. 12. 13.
1715, between France and England, but alſo in that between France and the United Provinces.

'The French ſhall be excluded from all kind of fiſhing in 'the ſeas, bays, or other places on the coaſt of Nova Sco- 'tia, that is, on thoſe lying towards the eaſt within thirty 'leagues, beginning from Sable iſland, and thence ſtretch- 'ing along towards the ſouth-weſt. They are likewiſe pro- 'hibited from ſettling in Newfoundland and the adjacent 'iſles, which ſhall be long to the Engliſh. Only it ſhall be 'allowed to the French to catch fiſh and dry them on land 'from Cape Bonaviſta, round northward to point Riche.

'The French of Canada ſhall give no moleſtation to the Ibid. 15.
'five nations of Indians ſubject to Britain: and the Engliſh 'ſhall behave peaceably to the Americans friends of the 'French; and on both ſides they ſhall enjoy the liberty of 'going and coming on account of trade.'

The Dutch Weſt-India company agree, that the French India company may enjoy the iſle and fort of Arquin as their property. The Dutch renounce all their pretenſions, and reſign to the French India company all their rights to the ſaid fort and iſland.

This is the firſt article of the convention ſigned at the Hague the 13th of January, 1727. And in a reſolution of the States-General of the 13th of April, in explanation of that convention, the Dutch declare,

'That by virtue of the ceſſion made to the French company, the French may behave in the iſle of Arquin as they pleaſe, that if they think proper to raze the fort and keep the iſland, it ſhall not be inferred from thence, that the iſland is abandoned by the French.'

'The Dutch agree to an excluſive trade of the French company on the coaſt of Africa, which ſtretches along from fort d'Arquin to beyond Porto Darco, that is, to the river Serrelione. The Dutch ſhips ſhall not land unleſs forced by a ſtorm or ſome other unforeſeen accident.

Theſe are the 2d and 5th articles of the Hague convention, by the 4th article of which the French India company bound themſelves to pay the Dutch Weſt India company, the ſum of 130 thouſand guilders.

T. Utr. Fr. Hol. 36. 'In caſe of a war, the ſubjects of France and the States ſhall have nine months to remove their effects.'

The treaties between France and the States concluded at Nimeguen, Ryſwick, and Utrecht, contain nothing particular; they always took care to ſign ſeparate articles for the affairs of trade and navigation, which being only temporary are not in force now.

T. M. T. Ryſ. T. Rad. T. Bad. 'The navigation of the Rhine ſhall be free for the ſubjects of the Empire and of France, no new tolls ſhall be impoſed nor old ones increaſed; trade ſhall continue to be carried on in the adjacent provinces of this river, in the ſame manner as when Alſatia belonged to the houſe of Auſtria.'

Ibid. 'The Imperialiſts and French ſhall have liberty to ſell, exchange, or otherwiſe diſpoſe of the goods and effects moveable and immoveable which they poſſeſs in one another's country; and all perſons, natives or foreigners, may buy them by virtue of this treaty.'

'The inhabitants of the Imperial and Hanſe-Towns ſhall enjoy in the dominions of France, the immunities granted them by treaties or eſtabliſhed by antient cuſtom.'

This

This is the 17th article of the treaty of Vienna of 1731, France and the Empire agreed to make a treaty of commerce after the ratification of the peace; but that affair was neglected.

'The inhabitants and subjects of Lubec, Bremen, and 'Hamburg, shall freely trade in all the European dominions 'of France, and shall not pay higher duties for imports or 'exports than the French themselves. The French shall 'enjoy in the ports of the Hanse Towns, all the privileges 'and rights which are granted to their own citizens.'

These are the 1st and 3d articles of the treaty of Paris the 18th of September, 1716, between France and these three Hanse Towns, from which treaty the following articles are taken. 4. 41.

'The merchants of the Hanse Towns shall not pay the import of fifty sous a tun, laid upon foreign ships, except in case 'they load merchandizes from one port of France, to import to another of that kingdom. The French shall not 'pay the duty of freight called *Last Gheldt*, which is raised 'at Hamburg.

'As for the Levant-trade in France, the Hamburgers 2. 6. 'shall not pay the 20 *per cent.* except in cases where the 7. 'French themselves pay it. They shall have all the privileges that the king shall grant hereafter to the Dutch and 'the northern nations; they shall not be Aubains in France, 'but shall dispose by will or otherways of all their goods and 'effects.'

As to the trade which the Hanse Towns may carry on in 18. 19. the time of war with the enemies of France, all the general conventions mentioned in the beginning of this chapter were agreed on.

'The French captains and those of the Hanse Towns, 57. 'armed for cruise or war, shall give, before they leave the 'port, a security for 15 thousand livres Tournois, to repair 'the damages they may commit contrary to the present 'treaty.'

'That a ship may be deemed to belong to the Hanse 30. 31. 'Towns, 1st, It must be of their own or the fabrication of 'a neutral nation, or purchased of an enemy before the declaration of war. 2dly, The captain, master, pilot, supercargo, must be natives of the Hanse Towns, or naturalized three months before the declaration of war. 3dly, 'Two thirds of the crew must be natural subjects of the 'Hanse Towns, or of some neutral power, unless they were 'naturalized before the declaration of war.'

'The

34. 'The ſhips of Hamburg, Bremen, and Lubec, ſhall 'ſtrike their colours, and lower their ſails when they meet 'the banner of France.'

'In caſe of a war between the Empire and France, the 'ſubjects of the Hanſe Towns, ſhall be reputed neutral 'in regard to France, provided they obtain from the empe- 'ror the like neutrality for the French merchants who ſhall 'load in their ports.'

40. This is the 1ſt ſeparate article of the forementioned treaty of Paris.

'If a breach ſhould ariſe between France and the Hanſe 'Towns, their ſubjects of both ſides ſhall have nine months T. Rad. 'to remove their effects.'

T. Bad. Fr. Emp. 'The navigation of the Lys, from the mouth of the Deule, 'in ſailing up ſhall be free; no new tolls ſhall be eſta- 'bliſhed. The mutual abolition of the right of Aubaine 'with regard to the ſubjects of France and the Auſtrian 'Netherlands is confirmed.'

'The trade to Italy ſhall be carried on and maintained as 'it was ſettled before the war of 1688. In the kingdom of 'France, and in the ſtates of the duke of Savoy, ſhall be 'obſerved what was practiſed in the reign of Emanuel II. 'both with regard to the road of Suza as of Savoy, of the 'bridge of Beauvoiſin and of Villafranca. The French 'couriers ſhall paſs as heretofore, through the demeans of 'his royal highneſs, and ſhall pay the uſual duties for the 'merchandizes they ſhall be charged with.'

This is the 6th article of the treaty of Turin, the 29th of Auguſt, 1696, between France and Savoy; and the 10th of the treaty of Utrecht between the ſame powers.

'The Swiſs are reckoned as natives in France, they ſhall 'not be liable to the cuſtom of Aubaine or of Traiteforaine*. 'The French ſhall enjoy the ſame privileges in the Swiſs 'Cantons, trade ſhall be free between them, the merchants 'of both ſides may export the money they have received for 'their goods, provided however they make their declarations 'and take out paſſports, in order to avoid frauds.'

Theſe are the 24th, 25th, and 26th articles of the treaty of the 9th of May, 1715, between Lewis XIV. and the Swiſs Cantons.

The prohibition of exporting gold and ſilver money, is general all over Europe; and it may be ſaid that there is not a more trifling or ſilly law. A little treatiſe of the famous Mr. Law, and the reflections of Mr. Du Tot upon trade, have exhauſted this ſubject.

* A duty upon certain goods imported or exported.

ENGLAND.

Relatively to DENMARK, SWEDEN, UNITED-PROVINCES, House of AUSTRIA, and the HANS-TOWNS.

In relating the engagements between England and Denmark, with regard to trade, reference ſhall be had only to their treaties of London the 13th of February 1660, of Breda the 31ſt of July 1667, and of Weſtminſter the 9th of December 1669, from whence are taken the following articles.

'The ſubjects of England and Denmark ſhall be treated 'in the dominions of both parties as the moſt favoured 'nation; and the Engliſh ſhall continue to pay, for paſſing 'of the Sound, the ſame toll as in the year 1650.

'The Engliſh that ſhall go to the Baltic through the 'Sound, may defer the payment of the tolls till their return, 'provided they give ſecurity to pay them three months after 'their paſſage in caſe they do return.

The Engliſh ſhall not frequent the ports of Denmark and 'Norway that are prohibited. The parties ſhall each have 'magazines and conſuls in the others dominions, and ſhall 'not be liable to the right of Aubain.

'The Danes ſhall import into England, only goods and 'merchandizes of their own growth, or thoſe that come 'from Germany by the Elbe.

'It is agreed, that Gottenburg in Sweden, and Plymouth 'in England, ſhall be free ports, where the Engliſh and 'Swediſh merchants ſhall enjoy reſpectively the right of 'ſtaple, with all the privileges thereof. The Swedes may 'import to Plymouth all ſorts of merchandizes from the 'Baltic and the maritime provinces of Sweden. The En-'gliſh may ſell at Gottenburg all kind of wares except thoſe 'of the Baltic and Swediſh provinces.'

This 5th article of the treaty of Stockholm the 26th of February 1666, between England and Sweden, is not practiſed now, though it was never annulled. The foreign merchandizes pay ſo high duties in Sweden, that the Engliſh carry thither at preſent little elſe but wines, brandies, Spaniſh ſalts, and money in exchange for what they take there. The Swedes ſeem reſolved to have nothing to do with all other nations. They have prohibited the importation of all

ſorts

ſorts of ſilk and woollen manufactures, and iron wares. This regulation is ſo ſtrictly obſerved, that if a Swede ſhould import any foreign ſtuffs, he would be condemned to be fined. Some ſpeculative perſon think this proceeding very wrong; but others believe it may be defended. It muſt not not be thought that Sweden is to be governed by the ſame maxims as England, France, and Holland; what inriches theſe powers, would entirely ruin the Swedes. By the way, it may be remarked, that policy has no method of trading that will agree with all nations. Each ſtate muſt be guided by principles relative to its government, and to its own and the ſituation of its neighbours.

T. Br. Eng. Hol. 18. 24. ſep. art. 2. 'The ſubjects of England and Holland ſhall trade in each 'other's European dominions, and ſhall be treated there 'as the moſt favonred nation. The Dutch ſhall conform to 'the regulation made by the parliament of England, 1660, 'and ſhall not import into Britain, goods or merchandizes 'of Germany, but thoſe they receive by land or by ſome 'river, and which are ſent to them on purpoſe to be ex-'ported.

Ibid. 28. ſep. art. 1. 'All the declarations made during the war, to the preju-'dice of one of the parties ſhall be annulled. In caſe of 'attack or inſult from what quarter ſoever, the Engliſh and 'Dutch ſhips that are at hand ſhall mutually aſſiſt one 'another.

Ibid. 33. 'On both ſides no ſhip ſhall be allowed to be armed 'for war or cruiſe, till after ſecurity is given to repair the 'damage the captain may do, contrary to the articles of the 'treaty.

Ibid. 32. 'If war ſhould be declared, the ſubjects of each party 'ſhall have ſix months to remove their effects. The Uni-'ted provinces engage not to appoint for captain-general, 'admiral, ſtadtholder, &c. one who does not promiſe upon 'oath to obſerve the conditions agreed upon.'

The treaty of the 15th of April 1755, between Cromwell and the ſtates, and ſeveral other engagements concerning trade between the Engliſh and Dutch, are omitted, as containing only general conventions, ſuch as are mentioned in beginning of this chapter.

'The treaty of Munſter 1648, between Spain and the 'States-general, is confirmed. All the articles of it con-'cerning the commerce of the Netherlands ſhall be faith-'fully obſerved. The merchandizes brought from England 'or Holland, ſhall pay only the duties of import and export

'ac-

'according to the tariff ſettled at Bruſſels the 6th of November 1715.'

This is the 26th article of the barrier-treaty between the emperor and the United-Provinces, concluded at Antwerp 1715. T. Ven. 1731. Emp. Eng. 7.

The Engliſh merchants ſhall have in the kingdom of Sicily, all the prerogatives they enjoyed in the reign of Charles II.

'The ſubjects of the Hans-towns have the ſame liberty 'of trading in all the European dominions of England; 'they ſhall be treated there as the moſt favoured nation; 'but they ſhall be bound not to uſe borrowed ſhips, and 'ſhall make oath that the ſhips are their own property, 'and that the greateſt part of the crew are natives of 'the country. They may import into Britain all ſorts 'of goods and merchandizes of the growth and manufacture 'of Germany.'

By ſuch acts of conceſſion, and not by treaties, the Hans-towns have obtained theſe privileges.

UNITED-PROVINCES.

Relatively to SWEDEN, to DENMARK, to DANTZICK, to the Houſe of AUSTRIA.

'The treaties of Elbing, of the 11th of September 1656, 'and of Elſinor, the 9th of December 1659, are annulled 'by all their parties.'

This is the 3d article of the treaty of the Hague, the 28th of July 1667, between the Swedes and Holland. It had been agreed by the treaty of Elbing, that the Dutch ſhould not pay higher duties in the ports of Sweden than the natives. How plain ſoever this clauſe was, it did not fail to create many difficulties on both ſides. The parties met at Elſinor, to prevent a rupture, and it was agreed that the Dutch merchants ſhould be treated as the Swedes, as to their goods, but ſhould pay one per cent. more on account of their ſhips. This ſubtlety ſatisfied the Dutch and the Swedes. The Dutch agreed alſo, that they would declare the price of the goods which they imported to Sweden, and the king might take them upon his own account, adding a fifth above the ſet price.

T. Hague, 4. 'The ſubjects of Sweden and of Holland ſhall trade 'freely, and mutually enjoy the privileges granted to the 'merchants of other nations.'

The Dutch have almoſt engroſſed the whole trade of Sweden, by the large advances they have paid to the farmers of the copper mines, and to the merchants of pitch and tar. They have theſe goods ſo cheap, that they can ſell them at Amſterdam at the ſame price that foreigners buy them at Stockholm.

T. Hague, 5. 'The Swedes ſhall forbear to trade to Cabo-Corſo, and 'along the coaſt of Guinea. They ſhall not land there, un- 'leſs attacked by pyrates, or forced in by a ſtorm.'

The United-Provinces having always carried on a very rich trade in the Baltic, carefully ſought the friendſhip of Denmark. Theſe powers have treated together at Chriſtianople the 13th of Auguſt 1645, and at the Hague the 22d of February 1647, the 11th of February 1666, and the 12th of February 1669. Some articles only ſhall be mentioned here of the treaty of 1666, which concern the Daniſh African company, and the Dutch Weſt-India company.

Art. 2. 'The king of Denmark deſiſts from all his pretenſions to 'Cabo-Corſo, Tocquoray, and Anamabo, and reſigns them 'to the States-general.

4. 'At the expiration of the grant of the kings of Denmark 'to their African company, that is, at the beginning of the 'year 1630. Fredericſburg, Orfu, otherwiſe called Chriſtianſburg, ſhall be given in full property to the Dutch 'Weſt-India company.'

Some diſputes ariſing between the Danes and the Dutch, they concluded the 6th of July 1688, under the mediation of the elector of Brandenburg, a proviſional treaty, by which they confirmed and revived the above-mentioned treaties, till their miniſters, who were to meet at Hamburg or Altena, ſhould have made new regulations. The wars with which Europe was then troubled, hindered the concluſion of this affair, and the proviſional treaty became in ſome meaſure definitive. It was not till the 25th of June 1701, that theſe powers concluded at Copenhagen, for twenty years, a treaty of commerce, wherein that of 1645 was confirmed. Every thing was ſettled relating to the liberty of navigation in the ſeas, ports, and rivers, of the two parties. The duties each ſhould pay, and the immunities each ſhould enjoy, were regulated.

'The ſubjects of the United-Provinces ſhall pay to Dant- 'zick no higher duties of import and export than the Dant-

'zickers

'zickers themſelves. The parties ſhall treat one another as
'they treat the moſt favoured nations.'

This is the 26th article of the barrier treaty concluded at Antwerp in 1715, and the 4th of the act of acceſſion of Holland to the treaty of Vienna the 16th of March 1731.

'The Dutch ſhall continue to have in the kingdom of T. Vien.
'Sicily all the privileges they enjoyed under Charles II.' 1731.

THE NORTHERN POWERS.

Relatively to their Intereſts, and to the EMPIRE.

'The commerce between Sweden and Poland ſhall be re- T. Ol.
'ſtored upon the ſame foot as before the war. Their ſub- 15.
'jects and the Courlanders ſhall freely trade on the Dwina
'and the Bulderau. No new impoſts ſhall be eſtabliſhed,
'nor the old ones raiſed higher, in the two rivers or in the
'ports and cuſtom-houſes of Livonia. The merchants of
'Great Poland ſhall not pay at Stetin any new duties or ga-
'bels that may be levied there. Dantzick, and the other
'cities of Pruſſia, ſhall enjoy in Sweden the ſame privileges
'as before the war.

'The Hans-Towns ſhall trade freely in all the demeans T. Cop.
'of Sweden and Denmark.' 1660.
31.

It has been obſerved in the ſecond chapter, what privileges the Swediſh ſhips obtained in the paſſage of the Sound; they were confirmed by the treaties of Fontainebleau and Lunden, 1679, and by that of Copenhagen of the 18th of May 1680. Afterwards Sweden was obliged to renounce theſe privileges. The treaty, which was concluded at Stockholm in 1720, between Sweden and Denmark, ſubjected the Swedes, in the paſſage of the Sound, to the ſame tolls as are paid by the Engliſh, Dutch, or moſt favoured nation.

'The ſubjects of the emperor, the empire, and particu- T. Nim.
'larly the Hans-Towns, ſhall be reſtored to all the privi- Emp. Sw.
'leges of commerce, they enjoyed before the war, in the 6.
'territories of Sweden. The Swedes, the Livonians, &c.
'ſhall trade alſo in full liberty within the empire.

'There ſhall be an entirely free trade between the ſubjects T. Vel.
'of Poland, Lithuania, and Ducal Pruſſia. The differences Po. Br.
'which may ariſe upon this article, ſhall be judged by ar- 1657.
'bitration. The parties may eſtabliſh, by mutual conſent, 15, 17.
'new duties or tolls in their territories. Their ports ſhall be

're-

'respectively open to them, and they shall be permitted to 'purchase of one another all sorts of warlike stores.

T. Stoc. 1720. 1, 12. 'The commerce between Sweden and the territories of 'the king of Prussia, shall be restored and favour'd.

'There shall be no impediment to the navigation of the 'Pehne, or the inlets of the same. The king of Prussia shall 'not establish new, or raise the old tolls. His subjects, as 'well as other foreigners, shall have for their ships the free 'use of the port of Grunschwart to retire to and remain 'there. They shall pay no impost in that port; and shall 'enjoy the same privilege at Rugen, provided they pay at 'Wolgart the usual customs before the war. The subjects 'of Swedish Pomerania shall have the same liberties with re-'gard to all the ports, havens, coasts, rivers, which are ce-'ded to the king of Prussia.'

Ibid. 12, 14. 'Instead of hindering, the king of Prussia shall favour, the 'commerce of timber, which the Swedes have heretofore car-'ried on in Pomerania, and his other dominions. They shall 'continue to traffic on the Oder and the Warthe; and care 'shall be taken that the navigation of these rivers shall be 'free. In fine, the subjects of the two parties shall enjoy 'with one another, in respect of trade, all the privileges that 'shall be granted to the most favoured nation.

T. Pleys. 1661. Sw. Rus. 10, 11. 'The subjects of Sweden and Russia shall freely trade with 'one another, and shall be allowed to have magazines in 'their respective dominions.

T. Mos. 1686. 'Poland and Russia mutually agree upon a full liberty of 'commerce.'

The END.

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